

1 AN ACT to revise the law by combining multiple enactments  
2 and making technical corrections.

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

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2003 General  
7 Revisory Act.

8 (b) This Act is not intended to make any substantive  
9 change in the law. It reconciles conflicts that have arisen  
10 from multiple amendments and enactments and makes technical  
11 corrections and revisions in the law.

12 This Act revises and, where appropriate, renumbers  
13 certain Sections that have been added or amended by more than  
14 one Public Act. In certain cases in which a repealed Act or  
15 part of an Act has been replaced with a successor law, this  
16 Act incorporates amendments to the repealed Act or part into  
17 the successor law. This Act also corrects errors, revises  
18 cross-references, and deletes obsolete text.

19 (c) In this Act, the reference at the end of each  
20 amended Section indicates the sources in the Session Laws of  
21 Illinois that were used in the preparation of the text of  
22 that Section. The text of the Section included in this Act  
23 is intended to reconcile the different versions of the  
24 Section found in the Public Acts included in the list of  
25 sources, but may not include other versions of the Section to  
26 be found in Public Acts not included in the list of sources.  
27 The list of sources is not a part of the text of the Section.

28 (d) Public Acts 92-520 through 92-886 were considered in  
29 the preparation of the combining revisories included in this  
30 Act. Many of those combining revisories contain no striking  
31 or underscoring because no additional changes are being made  
32 in the material that is being combined.

1 (5 ILCS 80/4.13 rep.)

2 Section 4. The Regulatory Sunset Act is amended by  
3 repealing Section 4.13.

4 Section 5. The Regulatory Sunset Act is amended by  
5 changing Sections 4.22 and 4.23 as follows:

6 (5 ILCS 80/4.22)

7 Sec. 4.22. Acts ~~Act~~ repealed on January 1, 2012. The  
8 following Acts are ~~Act-is~~ repealed on January 1, 2012:

9 The Detection of Deception Examiners Act.

10 The Home Inspector License Act.

11 The Interior Design Title Act.

12 The Massage Licensing Act.

13 The Petroleum Equipment Contractors Licensing Act.

14 The Professional Boxing Act.

15 The Real Estate Appraiser Licensing Act of 2002.

16 The Water Well and Pump Installation Contractor's License  
17 Act.

18 (Source: P.A. 92-104, eff. 7-20-01; 92-180, eff. 7-1-02;  
19 92-239, eff. 8-3-01; 92-453, eff. 8-21-01; 92-499, eff.  
20 1-1-02; 92-500, eff. 12-18-01; 92-618, eff. 7-11-02; 92-651,  
21 eff. 7-11-02; 92-860, eff. 6-1-03; revised 1-18-03.)

22 (5 ILCS 80/4.23)

23 Sec. 4.23. Acts and Sections ~~Act-Section~~ repealed on  
24 January 1, 2013. The following Acts and Sections of Acts are  
25 ~~Act-Section-is~~ repealed on January 1, 2013:

26 The Dietetic and Nutrition Services Practice Act.

27 The Elevator Safety and Regulation Act.

28 The Funeral Directors and Embalmers Licensing Code.

29 The Naprapathic Practice Act.

30 The Professional Counselor and Clinical Professional  
31 Counselor Licensing Act.

1 The Wholesale Drug Distribution Licensing Act.

2 Section 2.5 of the Illinois Plumbing License Law.

3 (Source: P.A. 92-586, eff. 6-26-02; 92-641, eff. 7-11-02;  
4 92-642, eff. 7-11-02; 92-655, eff. 7-16-02; 92-719, eff.  
5 7-25-02; 92-778, eff. 8-6-02; 92-873, eff. 6-1-03; revised  
6 1-18-03.)

7 Section 6. The Illinois Administrative Procedure Act is  
8 amended by changing Section 1-5 as follows:

9 (5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

10 Sec. 1-5. Applicability.

11 (a) This Act applies to every agency as defined in this  
12 Act. Beginning January 1, 1978, in case of conflict between  
13 the provisions of this Act and the Act creating or conferring  
14 power on an agency, this Act shall control. If, however, an  
15 agency (or its predecessor in the case of an agency that has  
16 been consolidated or reorganized) has existing procedures on  
17 July 1, 1977, specifically for contested cases or licensing,  
18 those existing provisions control, except that this exception  
19 respecting contested cases and licensing does not apply if  
20 the Act creating or conferring power on the agency adopts by  
21 express reference the provisions of this Act. Where the Act  
22 creating or conferring power on an agency establishes  
23 administrative procedures not covered by this Act, those  
24 procedures shall remain in effect.

25 (b) The provisions of this Act do not apply to (i)  
26 preliminary hearings, investigations, or practices where no  
27 final determinations affecting State funding are made by the  
28 State Board of Education, (ii) legal opinions issued under  
29 Section 2-3.7 of the School Code, (iii) as to State colleges  
30 and universities, their disciplinary and grievance  
31 proceedings, academic irregularity and capricious grading  
32 proceedings, and admission standards and procedures, and (iv)

1 the class specifications for positions and individual  
2 position descriptions prepared and maintained under the  
3 Personnel Code. Those class specifications shall, however,  
4 be made reasonably available to the public for inspection and  
5 copying. The provisions of this Act do not apply to hearings  
6 under Section 20 of the Uniform Disposition of Unclaimed  
7 Property Act.

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

10 (1) Rules adopted by the Pollution Control Board  
11 that, in accordance with Section 7.2 of the Environmental  
12 Protection Act, are identical in substance to federal  
13 regulations or amendments to those regulations  
14 implementing the following: Sections 3001, 3002, 3003,  
15 3004, 3005, and 9003 of the Solid Waste Disposal Act;  
16 Section 105 of the Comprehensive Environmental Response,  
17 Compensation, and Liability Act of 1980; Sections 307(b),  
18 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal  
19 Water Pollution Control Act; and Sections 1412(b),  
20 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking  
21 Water Act.

22 (2) Rules adopted by the Pollution Control Board  
23 that establish or amend standards for the emission of  
24 hydrocarbons and carbon monoxide from gasoline powered  
25 motor vehicles subject to inspection under Section  
26 13A-105 of the Vehicle Emissions Inspection Law and rules  
27 adopted under Section 13B-20 of the Vehicle Emissions  
28 Inspection Law of 1995.

29 (3) Procedural rules adopted by the Pollution  
30 Control Board governing requests for exceptions under  
31 Section 14.2 of the Environmental Protection Act.

32 (4) The Pollution Control Board's grant, pursuant  
33 to an adjudicatory determination, of an adjusted standard  
34 for persons who can justify an adjustment consistent with

1 subsection (a) of Section 27 of the Environmental  
2 Protection Act.

3 (5) Rules adopted by the Pollution Control Board  
4 that are identical in substance to the regulations  
5 adopted by the Office of the State Fire Marshal under  
6 clause (ii) of paragraph (b) of subsection (3) of Section  
7 2 of the Gasoline Storage Act.

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

15 (e) Section 10-45 of this Act shall not apply to any  
16 hearing, proceeding, or investigation conducted under Section  
17 13-515 of the Public Utilities Act.

18 (f) Article 10 of this Act does not apply to any  
19 hearing, proceeding, or investigation conducted by the State  
20 Council for the State of Illinois created under Section  
21 3-3-11.05 of the Unified Code of Corrections or by the  
22 Interstate Commission ~~Commissien~~ for Adult Offender  
23 Supervision created under the Interstate Compact for Adult  
24 Offender Supervision.

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

26 Section 7. The State Records Act is amended by changing  
27 Section 7 as follows:

28 (5 ILCS 160/7) (from Ch. 116, par. 43.10)

29 Sec. 7. Powers and duties of the Secretary.†

30 (1) The Secretary, whenever it appears to him to be in  
31 the public interest, may accept for deposit in the State  
32 Archives the records of any agency or of the Legislative or

1 Judicial branches of the State government that are determined  
2 by him to have sufficient historical or other value to  
3 warrant the permanent preservation of such records by the  
4 State of Illinois.†

5 (2) The Secretary may accept for deposit in the State  
6 Archives official papers, photographs, microfilm, electronic  
7 and digital records, drawings, maps, writings, and records of  
8 every description of counties, municipal corporations,  
9 political subdivisions and courts of this State, and records  
10 of the federal government pertaining to Illinois, when such  
11 materials are deemed by the Secretary to have sufficient  
12 historical or other value to warrant their continued  
13 preservation by the State of Illinois.

14 (3) The Secretary, whenever he deems it in the public  
15 interest, may accept for deposit in the State Archives motion  
16 picture films, still pictures, and sound recordings that are  
17 appropriate for preservation by the State government as  
18 evidence of its organization, functions and policies.

19 (4) The Secretary shall be responsible for the custody,  
20 use, servicing and withdrawal of records transferred for  
21 deposit in the State Archives. The Secretary shall observe  
22 any rights, limitations, or restrictions imposed by law  
23 relating to the use of records, including the provisions of  
24 the Mental Health and Developmental Disabilities  
25 Confidentiality Act which limit access to certain records or  
26 which permit access to certain records only after the removal  
27 of all personally identifiable data. Access to restricted  
28 records shall be at the direction of the depositing State  
29 agency or, in the case of records deposited by the  
30 legislative or judicial branches of State government at the  
31 direction of the branch which deposited them, but no  
32 limitation on access to such records shall extend more than  
33 75 years after the creation of the records, except as  
34 provided in the Mental Health and Developmental Disabilities

1 Confidentiality Act. The Secretary shall not impose  
2 restrictions on the use of records that are defined by law as  
3 public records or as records open to public inspection.†

4 (5) The Secretary shall make provision for the  
5 preservation, arrangement, repair, and rehabilitation,  
6 duplication and reproduction, description, and exhibition of  
7 records deposited in the State Archives as may be needed or  
8 appropriate.†

9 (6) The Secretary shall make or reproduce and furnish  
10 upon demand authenticated or unauthenticated copies of any of  
11 the documents, photographic material or other records  
12 deposited in the State Archives, the public examination of  
13 which is not prohibited by statutory limitations or  
14 restrictions or protected by copyright. The Secretary shall  
15 charge a fee therefor in accordance with the schedule of fees  
16 in Section 5.5 of the Secretary of State Act 10-of-"An-Act  
17 ~~concerning fees and salaries, and to classify the several~~  
18 ~~counties of this state with reference thereto,~~" approved  
19 March 29, 1872, as amended, except that there shall be no  
20 charge for making or authentication of such copies or  
21 reproductions furnished to any department or agency of the  
22 State for official use. When any such copy or reproduction  
23 is authenticated by the Great Seal of the State of Illinois  
24 and is certified by the Secretary, or in his name by his  
25 authorized representative, such copy or reproduction shall be  
26 admitted in evidence as if it were the original.

27 (7) Any official of the State of Illinois may turn over  
28 to the Secretary of State, with his consent, for permanent  
29 preservation in the State Archives, any official books,  
30 records, documents, original papers, or files, not in current  
31 use in his office, taking a receipt therefor.

32 (8) (Blank).

33 (9) The Secretary may cooperate with the Illinois State  
34 Genealogical Society, or its successor organization, for the

1 mutual benefit of the Society and the Illinois State  
2 Archives, with the State Archives furnishing necessary space  
3 for the society to carry on its functions and keep its  
4 records, to receive publications of the Illinois State  
5 Genealogical Society, to use members of the Illinois State  
6 Genealogical Society as volunteers in various archival  
7 projects and to store the Illinois State Genealogical  
8 Society's film collections.

9 (Source: P.A. 92-866, eff. 1-3-03; revised 1-20-03.)

10 Section 8. The State Employees Group Insurance Act of  
11 1971 is amended by changing Sections 6.5 and 10 as follows:

12 (5 ILCS 375/6.5)

13 (Section scheduled to be repealed on July 1, 2004)

14 Sec. 6.5. Health benefits for TRS benefit recipients and  
15 TRS dependent beneficiaries.

16 (a) Purpose. It is the purpose of this amendatory Act  
17 of 1995 to transfer the administration of the program of  
18 health benefits established for benefit recipients and their  
19 dependent beneficiaries under Article 16 of the Illinois  
20 Pension Code to the Department of Central Management  
21 Services.

22 (b) Transition provisions. The Board of Trustees of the  
23 Teachers' Retirement System shall continue to administer the  
24 health benefit program established under Article 16 of the  
25 Illinois Pension Code through December 31, 1995. Beginning  
26 January 1, 1996, the Department of Central Management  
27 Services shall be responsible for administering a program of  
28 health benefits for TRS benefit recipients and TRS dependent  
29 beneficiaries under this Section. The Department of Central  
30 Management Services and the Teachers' Retirement System shall  
31 cooperate in this endeavor and shall coordinate their  
32 activities so as to ensure a smooth transition and



1 uninterrupted health benefit coverage.

2 (c) Eligibility. All persons who were enrolled in the  
3 Article 16 program at the time of the transfer shall be  
4 eligible to participate in the program established under this  
5 Section without any interruption or delay in coverage or  
6 limitation as to pre-existing medical conditions.  
7 Eligibility to participate shall be determined by the  
8 Teachers' Retirement System. Eligibility information shall  
9 be communicated to the Department of Central Management  
10 Services in a format acceptable to the Department.

11 A TRS dependent beneficiary who is an unmarried child age  
12 19 or over and mentally or physically handicapped does not  
13 become ineligible to participate by reason of (i) becoming  
14 ineligible to be claimed as a dependent for Illinois or  
15 federal income tax purposes or (ii) receiving earned income,  
16 so long as those earnings are insufficient for the child to  
17 be fully self-sufficient.

18 (d) Coverage. The level of health benefits provided  
19 under this Section shall be similar to the level of benefits  
20 provided by the program previously established under Article  
21 16 of the Illinois Pension Code.

22 Group life insurance benefits are not included in the  
23 benefits to be provided to TRS benefit recipients and TRS  
24 dependent beneficiaries under this Act.

25 The program of health benefits under this Section may  
26 include any or all of the benefit limitations, including but  
27 not limited to a reduction in benefits based on eligibility  
28 for federal medicare benefits, that are provided under  
29 subsection (a) of Section 6 of this Act for other health  
30 benefit programs under this Act.

31 (e) Insurance rates and premiums. The Director shall  
32 determine the insurance rates and premiums for TRS benefit  
33 recipients and TRS dependent beneficiaries, and shall present  
34 to the Teachers' Retirement System of the State of Illinois,

1 by April 15 of each calendar year, the rate-setting  
2 methodology (including but not limited to utilization levels  
3 and costs) used to determine the amount of the health care  
4 premiums.

5 For Fiscal Year 1996, the premium shall be equal to the  
6 premium actually charged in Fiscal Year 1995; in subsequent  
7 years, the premium shall never be lower than the premium  
8 charged in Fiscal Year 1995. For Fiscal Year 2003, the  
9 premium shall not exceed 110% of the premium actually charged  
10 in Fiscal Year 2002. For Fiscal Year 2004, the premium shall  
11 not exceed 112% of the premium actually charged in Fiscal  
12 Year 2003.

13 Rates and premiums may be based in part on age and  
14 eligibility for federal medicare coverage. However, the cost  
15 of participation for a TRS dependent beneficiary who is an  
16 unmarried child age 19 or over and mentally or physically  
17 handicapped shall not exceed the cost for a TRS dependent  
18 beneficiary who is an unmarried child under age 19 and  
19 participates in the same major medical or managed care  
20 program.

21 The cost of health benefits under the program shall be  
22 paid as follows:

23 (1) For a TRS benefit recipient selecting a managed  
24 care program, up to 75% of the total insurance rate shall  
25 be paid from the Teacher Health Insurance Security Fund.

26 (2) For a TRS benefit recipient selecting the major  
27 medical coverage program, up to 50% of the total  
28 insurance rate shall be paid from the Teacher Health  
29 Insurance Security Fund if a managed care program is  
30 accessible, as determined by the Teachers' Retirement  
31 System.

32 (3) For a TRS benefit recipient selecting the major  
33 medical coverage program, up to 75% of the total  
34 insurance rate shall be paid from the Teacher Health

1 Insurance Security Fund if a managed care program is not  
2 accessible, as determined by the Teachers' Retirement  
3 System.

4 (4) The balance of the rate of insurance, including  
5 the entire premium of any coverage for TRS dependent  
6 beneficiaries that has been elected, shall be paid by  
7 deductions authorized by the TRS benefit recipient to be  
8 withheld from his or her monthly annuity or benefit  
9 payment from the Teachers' Retirement System; except that  
10 (i) if the balance of the cost of coverage exceeds the  
11 amount of the monthly annuity or benefit payment, the  
12 difference shall be paid directly to the Teachers'  
13 Retirement System by the TRS benefit recipient, and (ii)  
14 all or part of the balance of the cost of coverage may,  
15 at the school board's option, be paid to the Teachers'  
16 Retirement System by the school board of the school  
17 district from which the TRS benefit recipient retired, in  
18 accordance with Section 10-22.3b of the School Code. The  
19 Teachers' Retirement System shall promptly deposit all  
20 moneys withheld by or paid to it under this subdivision  
21 (e)(4) into the Teacher Health Insurance Security Fund.  
22 These moneys shall not be considered assets of the  
23 Retirement System.

24 (f) Financing. Beginning July 1, 1995, all revenues  
25 arising from the administration of the health benefit  
26 programs established under Article 16 of the Illinois Pension  
27 Code or this Section shall be deposited into the Teacher  
28 Health Insurance Security Fund, which is hereby created as a  
29 nonappropriated trust fund to be held outside the State  
30 Treasury, with the State Treasurer as custodian. Any  
31 interest earned on moneys in the Teacher Health Insurance  
32 Security Fund shall be deposited into the Fund.

33 Moneys in the Teacher Health Insurance Security Fund  
34 shall be used only to pay the costs of the health benefit

1 program established under this Section, including associated  
2 administrative costs, and the costs associated with the  
3 health benefit program established under Article 16 of the  
4 Illinois Pension Code, as authorized in this Section.  
5 Beginning July 1, 1995, the Department of Central Management  
6 Services may make expenditures from the Teacher Health  
7 Insurance Security Fund for those costs.

8 After other funds authorized for the payment of the costs  
9 of the health benefit program established under Article 16 of  
10 the Illinois Pension Code are exhausted and until January 1,  
11 1996 (or such later date as may be agreed upon by the  
12 Director of Central Management Services and the Secretary of  
13 the Teachers' Retirement System), the Secretary of the  
14 Teachers' Retirement System may make expenditures from the  
15 Teacher Health Insurance Security Fund as necessary to pay up  
16 to 75% of the cost of providing health coverage to eligible  
17 benefit recipients (as defined in Sections 16-153.1 and  
18 16-153.3 of the Illinois Pension Code) who are enrolled in  
19 the Article 16 health benefit program and to facilitate the  
20 transfer of administration of the health benefit program to  
21 the Department of Central Management Services.

22 (g) Contract for benefits. The Director shall by  
23 contract, self-insurance, or otherwise make available the  
24 program of health benefits for TRS benefit recipients and  
25 their TRS dependent beneficiaries that is provided for in  
26 this Section. The contract or other arrangement for the  
27 provision of these health benefits shall be on terms deemed  
28 by the Director to be in the best interest of the State of  
29 Illinois and the TRS benefit recipients based on, but not  
30 limited to, such criteria as administrative cost, service  
31 capabilities of the carrier or other contractor, and the  
32 costs of the benefits.

33 (h) Continuation and termination of program. It is the  
34 intention of the General Assembly that the program of health

1 benefits provided under this Section be maintained on an  
2 ongoing, affordable basis through June 30, 2004. The program  
3 of health benefits provided under this Section is terminated  
4 on July 1, 2004.

5 The program of health benefits provided under this  
6 Section may be amended by the State and is not intended to be  
7 a pension or retirement benefit subject to protection under  
8 Article XIII, Section 5 of the Illinois Constitution.

9 (i) Repeal. This Section is repealed on July 1, 2004.

10 (Source: P.A. 92-505, eff. 12-20-01; 92-862, eff. 1-3-03;  
11 revised 1-10-03.)

12 (5 ILCS 375/10) (from Ch. 127, par. 530)

13 Sec. 10. Payments by State; premiums.

14 (a) The State shall pay the cost of basic  
15 non-contributory group life insurance and, subject to member  
16 paid contributions set by the Department or required by this  
17 Section, the basic program of group health benefits on each  
18 eligible member, except a member, not otherwise covered by  
19 this Act, who has retired as a participating member under  
20 Article 2 of the Illinois Pension Code but is ineligible for  
21 the retirement annuity under Section 2-119 of the Illinois  
22 Pension Code, and part of each eligible member's and retired  
23 member's premiums for health insurance coverage for enrolled  
24 dependents as provided by Section 9. The State shall pay the  
25 cost of the basic program of group health benefits only after  
26 benefits are reduced by the amount of benefits covered by  
27 Medicare for all members and dependents who are eligible for  
28 benefits under Social Security or the Railroad Retirement  
29 system or who had sufficient Medicare-covered government  
30 employment, except that such reduction in benefits shall  
31 apply only to those members and dependents who (1) first  
32 become eligible for such Medicare coverage on or after July  
33 1, 1992; or (2) are Medicare-eligible members or dependents

1 of a local government unit which began participation in the  
2 program on or after July 1, 1992; or (3) remain eligible for,  
3 but no longer receive Medicare coverage which they had been  
4 receiving on or after July 1, 1992. The Department may  
5 determine the aggregate level of the State's contribution on  
6 the basis of actual cost of medical services adjusted for  
7 age, sex or geographic or other demographic characteristics  
8 which affect the costs of such programs.

9 The cost of participation in the basic program of group  
10 health benefits for the dependent or survivor of a living or  
11 deceased retired employee who was formerly employed by the  
12 University of Illinois in the Cooperative Extension Service  
13 and would be an annuitant but for the fact that he or she was  
14 made ineligible to participate in the State Universities  
15 Retirement System by clause (4) of subsection (a) of Section  
16 15-107 of the Illinois Pension Code shall not be greater than  
17 the cost of participation that would otherwise apply to that  
18 dependent or survivor if he or she were the dependent or  
19 survivor of an annuitant under the State Universities  
20 Retirement System.

21 (a-1) Beginning January 1, 1998, for each person who  
22 becomes a new SERS annuitant and participates in the basic  
23 program of group health benefits, the State shall contribute  
24 toward the cost of the annuitant's coverage under the basic  
25 program of group health benefits an amount equal to 5% of  
26 that cost for each full year of creditable service upon which  
27 the annuitant's retirement annuity is based, up to a maximum  
28 of 100% for an annuitant with 20 or more years of creditable  
29 service. The remainder of the cost of a new SERS annuitant's  
30 coverage under the basic program of group health benefits  
31 shall be the responsibility of the annuitant.

32 (a-2) Beginning January 1, 1998, for each person who  
33 becomes a new SERS survivor and participates in the basic  
34 program of group health benefits, the State shall contribute

1 toward the cost of the survivor's coverage under the basic  
2 program of group health benefits an amount equal to 5% of  
3 that cost for each full year of the deceased employee's or  
4 deceased annuitant's creditable service in the State  
5 Employees' Retirement System of Illinois on the date of  
6 death, up to a maximum of 100% for a survivor of an employee  
7 or annuitant with 20 or more years of creditable service.  
8 The remainder of the cost of the new SERS survivor's coverage  
9 under the basic program of group health benefits shall be the  
10 responsibility of the survivor.

11 (a-3) Beginning January 1, 1998, for each person who  
12 becomes a new SURS annuitant and participates in the basic  
13 program of group health benefits, the State shall contribute  
14 toward the cost of the annuitant's coverage under the basic  
15 program of group health benefits an amount equal to 5% of  
16 that cost for each full year of creditable service upon which  
17 the annuitant's retirement annuity is based, up to a maximum  
18 of 100% for an annuitant with 20 or more years of creditable  
19 service. The remainder of the cost of a new SURS annuitant's  
20 coverage under the basic program of group health benefits  
21 shall be the responsibility of the annuitant.

22 (a-4) (Blank).

23 (a-5) Beginning January 1, 1998, for each person who  
24 becomes a new SURS survivor and participates in the basic  
25 program of group health benefits, the State shall contribute  
26 toward the cost of the survivor's coverage under the basic  
27 program of group health benefits an amount equal to 5% of  
28 that cost for each full year of the deceased employee's or  
29 deceased annuitant's creditable service in the State  
30 Universities Retirement System on the date of death, up to a  
31 maximum of 100% for a survivor of an employee or annuitant  
32 with 20 or more years of creditable service. The remainder  
33 of the cost of the new SURS survivor's coverage under the  
34 basic program of group health benefits shall be the

1 responsibility of the survivor.

2 (a-6) Beginning July 1, 1998, for each person who  
3 becomes a new TRS State annuitant and participates in the  
4 basic program of group health benefits, the State shall  
5 contribute toward the cost of the annuitant's coverage under  
6 the basic program of group health benefits an amount equal to  
7 5% of that cost for each full year of creditable service as a  
8 teacher as defined in paragraph (2), (3), or (5) of Section  
9 16-106 of the Illinois Pension Code upon which the  
10 annuitant's retirement annuity is based, up to a maximum of  
11 100%; except that the State contribution shall be 12.5% per  
12 year (rather than 5%) for each full year of creditable  
13 service as a regional superintendent or assistant regional  
14 superintendent of schools. The remainder of the cost of a  
15 new TRS State annuitant's coverage under the basic program of  
16 group health benefits shall be the responsibility of the  
17 annuitant.

18 (a-7) Beginning July 1, 1998, for each person who  
19 becomes a new TRS State survivor and participates in the  
20 basic program of group health benefits, the State shall  
21 contribute toward the cost of the survivor's coverage under  
22 the basic program of group health benefits an amount equal to  
23 5% of that cost for each full year of the deceased employee's  
24 or deceased annuitant's creditable service as a teacher as  
25 defined in paragraph (2), (3), or (5) of Section 16-106 of  
26 the Illinois Pension Code on the date of death, up to a  
27 maximum of 100%; except that the State contribution shall be  
28 12.5% per year (rather than 5%) for each full year of the  
29 deceased employee's or deceased annuitant's creditable  
30 service as a regional superintendent or assistant regional  
31 superintendent of schools. The remainder of the cost of the  
32 new TRS State survivor's coverage under the basic program of  
33 group health benefits shall be the responsibility of the  
34 survivor.



1 (a-8) A new SERS annuitant, new SERS survivor, new SURS  
2 annuitant, new SURS survivor, new TRS State annuitant, or new  
3 TRS State survivor may waive or terminate coverage in the  
4 program of group health benefits. Any such annuitant or  
5 survivor who has waived or terminated coverage may enroll or  
6 re-enroll in the program of group health benefits only during  
7 the annual benefit choice period, as determined by the  
8 Director; except that in the event of termination of coverage  
9 due to nonpayment of premiums, the annuitant or survivor may  
10 not re-enroll in the program.

11 (a-9) No later than May 1 of each calendar year, the  
12 Director of Central Management Services shall certify in  
13 writing to the Executive Secretary of the State Employees'  
14 Retirement System of Illinois the amounts of the Medicare  
15 supplement health care premiums and the amounts of the health  
16 care premiums for all other retirees who are not Medicare  
17 eligible.

18 A separate calculation of the premiums based upon the  
19 actual cost of each health care plan shall be so certified.

20 The Director of Central Management Services shall provide  
21 to the Executive Secretary of the State Employees' Retirement  
22 System of Illinois such information, statistics, and other  
23 data as he or she may require to review the premium amounts  
24 certified by the Director of Central Management Services.

25 (b) State employees who become eligible for this program  
26 on or after January 1, 1980 in positions normally requiring  
27 actual performance of duty not less than 1/2 of a normal work  
28 period but not equal to that of a normal work period, shall  
29 be given the option of participating in the available  
30 program. If the employee elects coverage, the State shall  
31 contribute on behalf of such employee to the cost of the  
32 employee's benefit and any applicable dependent supplement,  
33 that sum which bears the same percentage as that percentage  
34 of time the employee regularly works when compared to normal

1 work period.

2 (c) The basic non-contributory coverage from the basic  
3 program of group health benefits shall be continued for each  
4 employee not in pay status or on active service by reason of  
5 (1) leave of absence due to illness or injury, (2) authorized  
6 educational leave of absence or sabbatical leave, or (3)  
7 military leave with pay and benefits. This coverage shall  
8 continue until expiration of authorized leave and return to  
9 active service, but not to exceed 24 months for leaves under  
10 item (1) or (2). This 24-month limitation and the requirement  
11 of returning to active service shall not apply to persons  
12 receiving ordinary or accidental disability benefits or  
13 retirement benefits through the appropriate State retirement  
14 system or benefits under the Workers' Compensation or  
15 Occupational Disease Act.

16 (d) The basic group life insurance coverage shall  
17 continue, with full State contribution, where such person is  
18 (1) absent from active service by reason of disability  
19 arising from any cause other than self-inflicted, (2) on  
20 authorized educational leave of absence or sabbatical leave,  
21 or (3) on military leave with pay and benefits.

22 (e) Where the person is in non-pay status for a period  
23 in excess of 30 days or on leave of absence, other than by  
24 reason of disability, educational or sabbatical leave, or  
25 military leave with pay and benefits, such person may  
26 continue coverage only by making personal payment equal to  
27 the amount normally contributed by the State on such person's  
28 behalf. Such payments and coverage may be continued: (1)  
29 until such time as the person returns to a status eligible  
30 for coverage at State expense, but not to exceed 24 months,  
31 (2) until such person's employment or annuitant status with  
32 the State is terminated, or (3) for a maximum period of 4  
33 years for members on military leave with pay and benefits and  
34 military leave without pay and benefits (exclusive of any

1 additional service imposed pursuant to law).

2 (f) The Department shall establish by rule the extent  
3 to which other employee benefits will continue for persons in  
4 non-pay status or who are not in active service.

5 (g) The State shall not pay the cost of the basic  
6 non-contributory group life insurance, program of health  
7 benefits and other employee benefits for members who are  
8 survivors as defined by paragraphs (1) and (2) of subsection  
9 (q) of Section 3 of this Act. The costs of benefits for  
10 these survivors shall be paid by the survivors or by the  
11 University of Illinois Cooperative Extension Service, or any  
12 combination thereof. However, the State shall pay the amount  
13 of the reduction in the cost of participation, if any,  
14 resulting from the amendment to subsection (a) made by this  
15 amendatory Act of the 91st General Assembly.

16 (h) Those persons occupying positions with any  
17 department as a result of emergency appointments pursuant to  
18 Section 8b.8 of the Personnel Code who are not considered  
19 employees under this Act shall be given the option of  
20 participating in the programs of group life insurance, health  
21 benefits and other employee benefits. Such persons electing  
22 coverage may participate only by making payment equal to the  
23 amount normally contributed by the State for similarly  
24 situated employees. Such amounts shall be determined by the  
25 Director. Such payments and coverage may be continued until  
26 such time as the person becomes an employee pursuant to this  
27 Act or such person's appointment is terminated.

28 (i) Any unit of local government within the State of  
29 Illinois may apply to the Director to have its employees,  
30 annuitants, and their dependents provided group health  
31 coverage under this Act on a non-insured basis. To  
32 participate, a unit of local government must agree to enroll  
33 all of its employees, who may select coverage under either  
34 the State group health benefits plan or a health maintenance

1 organization that has contracted with the State to be  
2 available as a health care provider for employees as defined  
3 in this Act. A unit of local government must remit the  
4 entire cost of providing coverage under the State group  
5 health benefits plan or, for coverage under a health  
6 maintenance organization, an amount determined by the  
7 Director based on an analysis of the sex, age, geographic  
8 location, or other relevant demographic variables for its  
9 employees, except that the unit of local government shall not  
10 be required to enroll those of its employees who are covered  
11 spouses or dependents under this plan or another group policy  
12 or plan providing health benefits as long as (1) an  
13 appropriate official from the unit of local government  
14 attests that each employee not enrolled is a covered spouse  
15 or dependent under this plan or another group policy or plan,  
16 and (2) at least 85% of the employees are enrolled and the  
17 unit of local government remits the entire cost of providing  
18 coverage to those employees, except that a participating  
19 school district must have enrolled at least 85% of its  
20 full-time employees who have not waived coverage under the  
21 district's group health plan by participating in a component  
22 of the district's cafeteria plan. A participating school  
23 district is not required to enroll a full-time employee who  
24 has waived coverage under the district's health plan,  
25 provided that an appropriate official from the participating  
26 school district attests that the full-time employee has  
27 waived coverage by participating in a component of the  
28 district's cafeteria plan. For the purposes of this  
29 subsection, "participating school district" includes a unit  
30 of local government whose primary purpose is education as  
31 defined by the Department's rules.

32 Employees of a participating unit of local government who  
33 are not enrolled due to coverage under another group health  
34 policy or plan may enroll in the event of a qualifying change

1 in status, special enrollment, special circumstance as  
2 defined by the Director, or during the annual Benefit Choice  
3 Period. A participating unit of local government may also  
4 elect to cover its annuitants. Dependent coverage shall be  
5 offered on an optional basis, with the costs paid by the unit  
6 of local government, its employees, or some combination of  
7 the two as determined by the unit of local government. The  
8 unit of local government shall be responsible for timely  
9 collection and transmission of dependent premiums.

10 The Director shall annually determine monthly rates of  
11 payment, subject to the following constraints:

12 (1) In the first year of coverage, the rates shall  
13 be equal to the amount normally charged to State  
14 employees for elected optional coverages or for enrolled  
15 dependents coverages or other contributory coverages, or  
16 contributed by the State for basic insurance coverages on  
17 behalf of its employees, adjusted for differences between  
18 State employees and employees of the local government in  
19 age, sex, geographic location or other relevant  
20 demographic variables, plus an amount sufficient to pay  
21 for the additional administrative costs of providing  
22 coverage to employees of the unit of local government and  
23 their dependents.

24 (2) In subsequent years, a further adjustment shall  
25 be made to reflect the actual prior years' claims  
26 experience of the employees of the unit of local  
27 government.

28 In the case of coverage of local government employees  
29 under a health maintenance organization, the Director shall  
30 annually determine for each participating unit of local  
31 government the maximum monthly amount the unit may contribute  
32 toward that coverage, based on an analysis of (i) the age,  
33 sex, geographic location, and other relevant demographic  
34 variables of the unit's employees and (ii) the cost to cover

1 those employees under the State group health benefits plan.  
2 The Director may similarly determine the maximum monthly  
3 amount each unit of local government may contribute toward  
4 coverage of its employees' dependents under a health  
5 maintenance organization.

6 Monthly payments by the unit of local government or its  
7 employees for group health benefits plan or health  
8 maintenance organization coverage shall be deposited in the  
9 Local Government Health Insurance Reserve Fund.

10 The Local Government Health Insurance Reserve Fund shall  
11 be a continuing fund not subject to fiscal year limitations.  
12 All expenditures from this Fund shall be used for payments  
13 for health care benefits for local government, domestic  
14 violence shelter or service, and rehabilitation facility  
15 employees, annuitants, and dependents, and to reimburse the  
16 Department or its administrative service organization for all  
17 expenses incurred in the administration of benefits. No  
18 other State funds may be used for these purposes.

19 A local government employer's participation or desire to  
20 participate in a program created under this subsection shall  
21 not limit that employer's duty to bargain with the  
22 representative of any collective bargaining unit of its  
23 employees.

24 (j) Any rehabilitation facility within the State of  
25 Illinois may apply to the Director to have its employees,  
26 annuitants, and their eligible dependents provided group  
27 health coverage under this Act on a non-insured basis. To  
28 participate, a rehabilitation facility must agree to enroll  
29 all of its employees and remit the entire cost of providing  
30 such coverage for its employees, except that the  
31 rehabilitation facility shall not be required to enroll those  
32 of its employees who are covered spouses or dependents under  
33 this plan or another group policy or plan providing health  
34 benefits as long as (1) an appropriate official from the

1 rehabilitation facility attests that each employee not  
2 enrolled is a covered spouse or dependent under this plan or  
3 another group policy or plan, and (2) at least 85% of the  
4 employees are enrolled and the rehabilitation facility remits  
5 the entire cost of providing coverage to those employees.  
6 Employees of a participating rehabilitation facility who are  
7 not enrolled due to coverage under another group health  
8 policy or plan may enroll in the event of a qualifying change  
9 in status, special enrollment, special circumstance as  
10 defined by the Director, or during the annual Benefit Choice  
11 Period. A participating rehabilitation facility may also  
12 elect to cover its annuitants. Dependent coverage shall be  
13 offered on an optional basis, with the costs paid by the  
14 rehabilitation facility, its employees, or some combination  
15 of the 2 as determined by the rehabilitation facility. The  
16 rehabilitation facility shall be responsible for timely  
17 collection and transmission of dependent premiums.

18 The Director shall annually determine quarterly rates of  
19 payment, subject to the following constraints:

20 (1) In the first year of coverage, the rates shall  
21 be equal to the amount normally charged to State  
22 employees for elected optional coverages or for enrolled  
23 dependents coverages or other contributory coverages on  
24 behalf of its employees, adjusted for differences between  
25 State employees and employees of the rehabilitation  
26 facility in age, sex, geographic location or other  
27 relevant demographic variables, plus an amount sufficient  
28 to pay for the additional administrative costs of  
29 providing coverage to employees of the rehabilitation  
30 facility and their dependents.

31 (2) In subsequent years, a further adjustment shall  
32 be made to reflect the actual prior years' claims  
33 experience of the employees of the rehabilitation  
34 facility.

1 Monthly payments by the rehabilitation facility or its  
2 employees for group health benefits shall be deposited in the  
3 Local Government Health Insurance Reserve Fund.

4 (k) Any domestic violence shelter or service within the  
5 State of Illinois may apply to the Director to have its  
6 employees, annuitants, and their dependents provided group  
7 health coverage under this Act on a non-insured basis. To  
8 participate, a domestic violence shelter or service must  
9 agree to enroll all of its employees and pay the entire cost  
10 of providing such coverage for its employees. A  
11 participating domestic violence shelter may also elect to  
12 cover its annuitants. Dependent coverage shall be offered on  
13 an optional basis, with the costs paid by the domestic  
14 violence shelter or service, its employees, or some  
15 combination of the 2 as determined by the domestic violence  
16 shelter or service. The domestic violence shelter or service  
17 shall be responsible for timely collection and transmission  
18 of dependent premiums.

19 The Director shall annually determine rates of payment,  
20 subject to the following constraints:

21 (1) In the first year of coverage, the rates shall  
22 be equal to the amount normally charged to State  
23 employees for elected optional coverages or for enrolled  
24 dependents coverages or other contributory coverages on  
25 behalf of its employees, adjusted for differences between  
26 State employees and employees of the domestic violence  
27 shelter or service in age, sex, geographic location or  
28 other relevant demographic variables, plus an amount  
29 sufficient to pay for the additional administrative costs  
30 of providing coverage to employees of the domestic  
31 violence shelter or service and their dependents.

32 (2) In subsequent years, a further adjustment shall  
33 be made to reflect the actual prior years' claims  
34 experience of the employees of the domestic violence



1           shelter or service.

2           Monthly payments by the domestic violence shelter or  
3 service or its employees for group health insurance shall be  
4 deposited in the Local Government Health Insurance Reserve  
5 Fund.

6           (1) A public community college or entity organized  
7 pursuant to the Public Community College Act may apply to the  
8 Director initially to have only annuitants not covered prior  
9 to July 1, 1992 by the district's health plan provided health  
10 coverage under this Act on a non-insured basis. The  
11 community college must execute a 2-year contract to  
12 participate in the Local Government Health Plan. Any  
13 annuitant may enroll in the event of a qualifying change in  
14 status, special enrollment, special circumstance as defined  
15 by the Director, or during the annual Benefit Choice Period.

16           The Director shall annually determine monthly rates of  
17 payment subject to the following constraints: for those  
18 community colleges with annuitants only enrolled, first year  
19 rates shall be equal to the average cost to cover claims for  
20 a State member adjusted for demographics, Medicare  
21 participation, and other factors; and in the second year, a  
22 further adjustment of rates shall be made to reflect the  
23 actual first year's claims experience of the covered  
24 annuitants.

25           (1-5) The provisions of subsection (1) become  
26 inoperative on July 1, 1999.

27           (m) The Director shall adopt any rules deemed necessary  
28 for implementation of this amendatory Act of 1989 (Public Act  
29 86-978).

30           (Source: P.A. 91-280, eff. 7-23-99; 91-311; eff. 7-29-99;  
31 91-357, eff. 7-29-99; 91-390, eff. 7-30-99; 91-395, eff.  
32 7-30-99; 91-617, eff. 8-19-99; 92-16, eff. 6-28-01; revised  
33 2-25-02.)

1 Section 9. The Deposit of State Moneys Act is amended by  
2 changing Sections 7 and 22.5 as follows:

3 (15 ILCS 520/7) (from Ch. 130, par. 26)

4 Sec. 7. (a) Proposals made may either be approved or  
5 rejected by the State Treasurer. A bank or savings and loan  
6 association whose proposal is approved shall be eligible to  
7 become a State depository for the class or classes of funds  
8 covered by its proposal. A bank or savings and loan  
9 association whose proposal is rejected shall not be so  
10 eligible. The State Treasurer shall seek to have at all  
11 times a total of not less than 20 banks or savings and loan  
12 associations which are approved as State depositories for  
13 time deposits.

14 (b) The State Treasurer may, in his discretion, accept a  
15 proposal from an eligible institution which provides for a  
16 reduced rate of interest provided that such institution  
17 documents the use of deposited funds for community  
18 development projects.

19 (b-5) The State Treasurer may, in his or her discretion,  
20 accept a proposal from an eligible institution that provides  
21 for a reduced rate of interest, provided that such  
22 institution agrees to expend an amount of money equal to the  
23 amount of the reduction for the preservation of Cahokia  
24 Mounds.

25 (c) The State Treasurer may, in his or her discretion,  
26 accept a proposal from an eligible institution that provides  
27 for interest earnings on deposits of State moneys to be held  
28 by the institution in a separate account that the State  
29 Treasurer may use to secure up to 10% of any (i) home loans  
30 to Illinois citizens purchasing a home in Illinois in  
31 situations where the participating financial institution  
32 would not offer the borrower a home loan under the  
33 institution's prevailing credit standards without the

1 incentive of a reduced rate of interest on deposits of State  
2 moneys, (ii) existing home loans of Illinois citizens who  
3 have failed to make payments on a home loan as a result of a  
4 financial hardship due to circumstances beyond the control of  
5 the borrower where there is a reasonable prospect that the  
6 borrower will be able to resume full mortgage payments, and  
7 (iii) loans in amounts that do not exceed the amount of  
8 arrearage on a mortgage and that are extended to enable a  
9 borrower to become current on his or her mortgage obligation.

10 The following factors shall be considered by the  
11 participating financial institution to determine whether the  
12 financial hardship is due to circumstances beyond the control  
13 of the borrower: (i) loss, reduction, or delay in the receipt  
14 of income because of the death or disability of a person who  
15 contributed to the household income, (ii) expenses actually  
16 incurred related to the uninsured damage or costly repairs to  
17 the mortgaged premises affecting its habitability, (iii)  
18 expenses related to the death or illness in the borrower's  
19 household or of family members living outside the household  
20 that reduce the amount of household income, (iv) loss of  
21 income or a substantial increase in total housing expenses  
22 because of divorce, abandonment, separation from a spouse, or  
23 failure to support a spouse or child, (v) unemployment or  
24 underemployment, (vi) loss, reduction, or delay in the  
25 receipt of federal, State, or other government benefits, and  
26 (vii) participation by the homeowner in a recognized labor  
27 action such as a strike. In determining whether there is a  
28 reasonable prospect that the borrower will be able to resume  
29 full mortgage payments, the participating financial  
30 institution shall consider factors including, but not  
31 necessarily limited to the following: (i) a favorable work  
32 and credit history, (ii) the borrower's ability to and  
33 history of paying the mortgage when employed, (iii) the lack  
34 of an impediment or disability that prevents reemployment,

1 (iv) new education and training opportunities, (v) non-cash  
2 benefits that may reduce household expenses, and (vi) other  
3 debts.

4 For the purposes of this Section, "home loan" means a  
5 loan, other than an open-end credit plan or a reverse  
6 mortgage transaction, for which (i) the principal amount of  
7 the loan does not exceed 50% of the conforming loan size  
8 limit for a single-family dwelling as established from time  
9 to time by the Federal National Mortgage Association, (ii)  
10 the borrower is a natural person, (iii) the debt is incurred  
11 by the borrower primarily for personal, family, or household  
12 purposes, and (iv) the loan is secured by a mortgage or deed  
13 of trust on real estate upon which there is located or there  
14 is to be located a structure designed principally for the  
15 occupancy of no more than 4 families and that is or will be  
16 occupied by the borrower as the borrower's principal  
17 dwelling.

18 (d) If there is an agreement between the State Treasurer  
19 and an eligible institution that details the use of deposited  
20 funds, the agreement may not require the gift of money,  
21 goods, or services to a third party; this provision does not  
22 restrict the eligible institution from contracting with third  
23 parties in order to carry out the intent of the agreement or  
24 restrict the State Treasurer from placing requirements upon  
25 third-party contracts entered into by the eligible  
26 institution.

27 (Source: P.A. 92-482, eff. 8-23-01; 92-531, eff. 2-8-02;  
28 92-625, eff. 7-11-02; revised 8-26-02.)

29 (15 ILCS 520/22.5) (from Ch. 130, par. 41a)

30 Sec. 22.5. Permitted investments. The State Treasurer  
31 may, with the approval of the Governor, invest and reinvest  
32 any State money in the treasury which is not needed for  
33 current expenditures due or about to become due, in

1 obligations of the United States government or its agencies  
2 or of National Mortgage Associations established by or under  
3 the National Housing Act, 1201 U.S.C. 1701 et seq., or in  
4 mortgage participation certificates representing undivided  
5 interests in specified, first-lien conventional residential  
6 Illinois mortgages that are underwritten, insured,  
7 guaranteed, or purchased by the Federal Home Loan Mortgage  
8 Corporation or in Affordable Housing Program Trust Fund Bonds  
9 or Notes as defined in and issued pursuant to the Illinois  
10 Housing Development Act. All such obligations shall be  
11 considered as cash and may be delivered over as cash by a  
12 State Treasurer to his successor.

13 The State Treasurer may, with the approval of the  
14 Governor, purchase any state bonds with any money in the  
15 State Treasury that has been set aside and held for the  
16 payment of the principal of and interest on the bonds. The  
17 bonds shall be considered as cash and may be delivered over  
18 as cash by the State Treasurer to his successor.

19 The State Treasurer may, with the approval of the  
20 Governor, invest or reinvest any State money in the treasury  
21 that is not needed for current expenditure due or about to  
22 become due, or any money in the State Treasury that has been  
23 set aside and held for the payment of the principal of and  
24 the interest on any State bonds, in shares, withdrawable  
25 accounts, and investment certificates of savings and building  
26 and loan associations, incorporated under the laws of this  
27 State or any other state or under the laws of the United  
28 States; provided, however, that investments may be made only  
29 in those savings and loan or building and loan associations  
30 the shares and withdrawable accounts or other forms of  
31 investment securities of which are insured by the Federal  
32 Deposit Insurance Corporation.

33 The State Treasurer may not invest State money in any  
34 savings and loan or building and loan association unless a

1 commitment by the savings and loan (or building and loan)  
2 association, executed by the president or chief executive  
3 officer of that association, is submitted in the following  
4 form:

5 The ..... Savings and Loan (or Building  
6 and Loan) Association pledges not to reject arbitrarily  
7 mortgage loans for residential properties within any  
8 specific part of the community served by the savings and  
9 loan (or building and loan) association because of the  
10 location of the property. The savings and loan (or  
11 building and loan) association also pledges to make loans  
12 available on low and moderate income residential property  
13 throughout the community within the limits of its legal  
14 restrictions and prudent financial practices.

15 The State Treasurer may, with the approval of the  
16 Governor, invest or reinvest, at a price not to exceed par,  
17 any State money in the treasury that is not needed for  
18 current expenditures due or about to become due, or any money  
19 in the State Treasury that has been set aside and held for  
20 the payment of the principal of and interest on any State  
21 bonds, in bonds issued by counties or municipal corporations  
22 of the State of Illinois.

23 The State Treasurer may, with the approval of the  
24 Governor, invest or reinvest any State money in the Treasury  
25 which is not needed for current expenditure, due or about to  
26 become due, or any money in the State Treasury which has been  
27 set aside and held for the payment of the principal of and  
28 the interest on any State bonds, in participations in loans,  
29 the principal of which participation is fully guaranteed by  
30 an agency or instrumentality of the United States government;  
31 provided, however, that such loan participations are  
32 represented by certificates issued only by banks which are  
33 incorporated under the laws of this State or any other state  
34 or under the laws of the United States, and such banks, but

1 not the loan participation certificates, are insured by the  
2 Federal Deposit Insurance Corporation.

3 The State Treasurer may, with the approval of the  
4 Governor, invest or reinvest any State money in the Treasury  
5 that is not needed for current expenditure, due or about to  
6 become due, or any money in the State Treasury that has been  
7 set aside and held for the payment of the principal of and  
8 the interest on any State bonds, in any of the following:

9 (1) Bonds, notes, certificates of indebtedness,  
10 Treasury bills, or other securities now or hereafter  
11 issued that are guaranteed by the full faith and credit  
12 of the United States of America as to principal and  
13 interest.

14 (2) Bonds, notes, debentures, or other similar  
15 obligations of the United States of America, its  
16 agencies, and instrumentalities.

17 (2.5) Bonds, notes, debentures, or other similar  
18 obligations of a foreign government that are guaranteed  
19 by the full faith and credit of that government as to  
20 principal and interest, but only if the foreign  
21 government has not defaulted and has met its payment  
22 obligations in a timely manner on all similar obligations  
23 for a period of at least 25 years immediately before the  
24 time of acquiring those obligations.

25 (3) Interest-bearing savings accounts,  
26 interest-bearing certificates of deposit,  
27 interest-bearing time deposits, or any other investments  
28 constituting direct obligations of any bank as defined by  
29 the Illinois Banking Act.

30 (4) Interest-bearing accounts, certificates of  
31 deposit, or any other investments constituting direct  
32 obligations of any savings and loan associations  
33 incorporated under the laws of this State or any other  
34 state or under the laws of the United States.

1           (5) Dividend-bearing share accounts, share  
2 certificate accounts, or class of share accounts of a  
3 credit union chartered under the laws of this State or  
4 the laws of the United States; provided, however, the  
5 principal office of the credit union must be located  
6 within the State of Illinois.

7           (6) Bankers' acceptances of banks whose senior  
8 obligations are rated in the top 2 rating categories by 2  
9 national rating agencies and maintain that rating during  
10 the term of the investment.

11           (7) Short-term obligations of corporations  
12 organized in the United States with assets exceeding  
13 \$500,000,000 if (i) the obligations are rated at the time  
14 of purchase at one of the 3 highest classifications  
15 established by at least 2 standard rating services and  
16 mature not later than 180 days from the date of purchase,  
17 (ii) the purchases do not exceed 10% of the corporation's  
18 outstanding obligations, and (iii) no more than one-third  
19 of the public agency's funds are invested in short-term  
20 obligations of corporations.

21           (8) Money market mutual funds registered under the  
22 Investment Company Act of 1940, provided that the  
23 portfolio of the money market mutual fund is limited to  
24 obligations described in this Section and to agreements  
25 to repurchase such obligations.

26           (9) The Public Treasurers' Investment Pool created  
27 under Section 17 of the State Treasurer Act or in a fund  
28 managed, operated, and administered by a bank.

29           (10) Repurchase agreements of government securities  
30 having the meaning set out in the Government Securities  
31 Act of 1986 subject to the provisions of that Act and the  
32 regulations issued thereunder.

33           (11) Investments made in accordance with the  
34 Technology Development Act.



1 For purposes of this Section, "agencies" of the United  
2 States Government includes:

3 (i) the federal land banks, federal intermediate  
4 credit banks, banks for cooperatives, federal farm credit  
5 banks, or any other entity authorized to issue debt  
6 obligations under the Farm Credit Act of 1971 (12 U.S.C.  
7 2001 et seq.) and Acts amendatory thereto;

8 (ii) the federal home loan banks and the federal  
9 home loan mortgage corporation;

10 (iii) the Commodity Credit Corporation; and

11 (iv) any other agency created by Act of Congress.

12 The Treasurer may, with the approval of the Governor,  
13 lend any securities acquired under this Act. However,  
14 securities may be lent under this Section only in accordance  
15 with Federal Financial Institution Examination Council  
16 guidelines and only if the securities are collateralized at a  
17 level sufficient to assure the safety of the securities,  
18 taking into account market value fluctuation. The securities  
19 may be collateralized by cash or collateral acceptable under  
20 Sections 11 and 11.1.

21 (Source: P.A. 92-546, eff. 1-1-03; 92-851, eff. 8-26-02;  
22 revised 9-19-02.)

23 Section 9.5. The Children and Family Services Act is  
24 amended by changing Section 7 as follows:

25 (20 ILCS 505/7) (from Ch. 23, par. 5007)

26 Sec. 7. Placement of children; considerations.

27 (a) In placing any child under this Act, the Department  
28 shall place such child, as far as possible, in the care and  
29 custody of some individual holding the same religious belief  
30 as the parents of the child, or with some child care facility  
31 which is operated by persons of like religious faith as the  
32 parents of such child.

1           (b) In placing a child under this Act, the Department  
2 may place a child with a relative if the Department has  
3 reason to believe that the relative will be able to  
4 adequately provide for the child's safety and welfare. The  
5 Department may not place a child with a relative, with the  
6 exception of certain circumstances which may be waived as  
7 defined by the Department in rules, if the results of a check  
8 of the Law Enforcement Agencies Agency Data System (LEADS)  
9 identifies a prior criminal conviction of the relative or any  
10 adult member of the relative's household for any of the  
11 following offenses under the Criminal Code of 1961:

- 12           (1) murder;
- 13           (1.1) solicitation of murder;
- 14           (1.2) solicitation of murder for hire;
- 15           (1.3) intentional homicide of an unborn child;
- 16           (1.4) voluntary manslaughter of an unborn child;
- 17           (1.5) involuntary manslaughter;
- 18           (1.6) reckless homicide;
- 19           (1.7) concealment of a homicidal death;
- 20           (1.8) involuntary manslaughter of an unborn child;
- 21           (1.9) reckless homicide of an unborn child;
- 22           (1.10) drug-induced homicide;
- 23           (2) a sex offense under Article 11, except offenses  
24 described in Sections 11-7, 11-8, 11-12, and 11-13;
- 25           (3) kidnapping;
- 26           (3.1) aggravated unlawful restraint;
- 27           (3.2) forcible detention;
- 28           (3.3) aiding and abetting child abduction;
- 29           (4) aggravated kidnapping;
- 30           (5) child abduction;
- 31           (6) aggravated battery of a child;
- 32           (7) criminal sexual assault;
- 33           (8) aggravated criminal sexual assault;
- 34           (8.1) predatory criminal sexual assault of a child;

- 1 (9) criminal sexual abuse;
- 2 (10) aggravated sexual abuse;
- 3 (11) heinous battery;
- 4 (12) aggravated battery with a firearm;
- 5 (13) tampering with food, drugs, or cosmetics;
- 6 (14) drug-induced infliction of great bodily harm;
- 7 (15) aggravated stalking;
- 8 (16) home invasion;
- 9 (17) vehicular invasion;
- 10 (18) criminal transmission of HIV;
- 11 (19) criminal abuse or neglect of an elderly or  
12 disabled person;
- 13 (20) child abandonment;
- 14 (21) endangering the life or health of a child;
- 15 (22) ritual mutilation;
- 16 (23) ritualized abuse of a child;
- 17 (24) an offense in any other state the elements of  
18 which are similar and bear a substantial relationship to  
19 any of the foregoing offenses.

20 For the purpose of this subsection, "relative" shall include  
21 any person, 21 years of age or over, other than the parent,  
22 who (i) is currently related to the child in any of the  
23 following ways by blood or adoption: grandparent, sibling,  
24 great-grandparent, uncle, aunt, nephew, niece, first cousin,  
25 second cousin, godparent, great-uncle, or great-aunt; or (ii)  
26 is the spouse of such a relative; or (iii) is the child's  
27 step-father, step-mother, or adult step-brother or  
28 step-sister; "relative" also includes a person related in any  
29 of the foregoing ways to a sibling of a child, even though  
30 the person is not related to the child, when the child and  
31 its sibling are placed together with that person. A relative  
32 with whom a child is placed pursuant to this subsection may,  
33 but is not required to, apply for licensure as a foster  
34 family home pursuant to the Child Care Act of 1969; provided,

1     however, that as of July 1, 1995, foster care payments shall  
2     be made only to licensed foster family homes pursuant to the  
3     terms of Section 5 of this Act.

4           (c) In placing a child under this Act, the Department  
5     shall ensure that the child's health, safety, and best  
6     interests are met in making a family foster care placement.  
7     The Department shall consider the individual needs of the  
8     child and the capacity of the prospective foster or adoptive  
9     parents to meet the needs of the child. When a child must be  
10    placed outside his or her home and cannot be immediately  
11    returned to his or her parents or guardian, a comprehensive,  
12    individualized assessment shall be performed of that child at  
13    which time the needs of the child shall be determined. Only  
14    if race, color, or national origin is identified as a  
15    legitimate factor in advancing the child's best interests  
16    shall it be considered. Race, color, or national origin  
17    shall not be routinely considered in making a placement  
18    decision. The Department shall make special efforts for the  
19    diligent recruitment of potential foster and adoptive  
20    families that reflect the ethnic and racial diversity of the  
21    children for whom foster and adoptive homes are needed.  
22    "Special efforts" shall include contacting and working with  
23    community organizations and religious organizations and may  
24    include contracting with those organizations, utilizing local  
25    media and other local resources, and conducting outreach  
26    activities.

27           (c-1) At the time of placement, the Department shall  
28    consider concurrent planning, as described in subsection  
29    (1-1) of Section 5, so that permanency may occur at the  
30    earliest opportunity. Consideration should be given so that  
31    if reunification fails or is delayed, the placement made is  
32    the best available placement to provide permanency for the  
33    child.

34           (d) The Department may accept gifts, grants, offers of

1 services, and other contributions to use in making special  
2 recruitment efforts.

3 (e) The Department in placing children in adoptive or  
4 foster care homes may not, in any policy or practice relating  
5 to the placement of children for adoption or foster care,  
6 discriminate against any child or prospective adoptive or  
7 foster parent on the basis of race.

8 (Source: P.A. 92-192, eff. 1-1-02; 92-328, eff. 1-1-02;  
9 92-334, eff. 8-10-01; 92-651, eff. 7-11-02; revised 2-17-03.)

10 Section 10. The Illinois Enterprise Zone Act is amended  
11 by changing Section 5.5 as follows:

12 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

13 Sec. 5.5. High Impact Business.

14 (a) In order to respond to unique opportunities to  
15 assist in the encouragement, development, growth and  
16 expansion of the private sector through large scale  
17 investment and development projects, the Department is  
18 authorized to receive and approve applications for the  
19 designation of "High Impact Businesses" in Illinois subject  
20 to the following conditions:

21 (1) such applications may be submitted at any time  
22 during the year;

23 (2) such business is not located, at the time of  
24 designation, in an enterprise zone designated pursuant to  
25 this Act;

26 (3) (A) the business intends to make a minimum  
27 investment of \$12,000,000 which will be placed in  
28 service in qualified property and intends to create  
29 500 full-time equivalent jobs at a designated  
30 location in Illinois or intends to make a minimum  
31 investment of \$30,000,000 which will be placed in  
32 service in qualified property and intends to retain

1 1,500 full-time jobs at a designated location in  
2 Illinois. The business must certify in writing that  
3 the investments would not be placed in service in  
4 qualified property and the job creation or job  
5 retention would not occur without the tax credits  
6 and exemptions set forth in subsection (b) of this  
7 Section. The terms "placed in service" and  
8 "qualified property" have the same meanings as  
9 described in subsection (h) of Section 201 of the  
10 Illinois Income Tax Act; or

11 (B) the business intends to establish a new  
12 electric generating facility at a designated  
13 location in Illinois. "New electric generating  
14 facility" for purposes of this Section, means a  
15 newly-constructed electric generation plant or a  
16 newly-constructed generation capacity expansion at  
17 an existing electric generation plant, including the  
18 transmission lines and associated equipment that  
19 transfers electricity from points of supply to  
20 points of delivery, and for which such new  
21 foundation construction commenced not sooner than  
22 July 1, 2001. Such facility shall be designed to  
23 provide baseload electric generation and shall  
24 operate on a continuous basis throughout the year;  
25 and shall have an aggregate rated generating  
26 capacity of at least 1,000 megawatts for all new  
27 units at one site if it uses natural gas as its  
28 primary fuel and foundation construction of the  
29 facility is commenced on or before December 31,  
30 2004, or shall have an aggregate rated generating  
31 capacity of at least 400 megawatts for all new units  
32 at one site if it uses coal or gases derived from  
33 coal as its primary fuel and shall support the  
34 creation of at least 150 new Illinois coal mining

1 jobs. The business must certify in writing that the  
2 investments necessary to establish a new electric  
3 generating facility would not be placed in service  
4 and the job creation in the case of a coal-fueled  
5 plant would not occur without the tax credits and  
6 exemptions set forth in subsection (b-5) of this  
7 Section. The term "placed in service" has the same  
8 meaning as described in subsection (h) of Section  
9 201 of the Illinois Income Tax Act; or

10 (C) the business intends to establish  
11 production operations at a new coal mine,  
12 re-establish production operations at a closed coal  
13 mine, or expand production at an existing coal mine  
14 at a designated location in Illinois not sooner than  
15 July 1, 2001; provided that the production  
16 operations result in the creation of 150 new  
17 Illinois coal mining jobs as described in  
18 subdivision (a)(3)(B) of this Section, and further  
19 provided that the coal extracted from such mine is  
20 utilized as the predominant source for a new  
21 electric generating facility. The business must  
22 certify in writing that the investments necessary to  
23 establish a new, expanded, or reopened coal mine  
24 would not be placed in service and the job creation  
25 would not occur without the tax credits and  
26 exemptions set forth in subsection (b-5) of this  
27 Section. The term "placed in service" has the same  
28 meaning as described in subsection (h) of Section  
29 201 of the Illinois Income Tax Act; or

30 (D) the business intends to construct new  
31 transmission facilities or upgrade existing  
32 transmission facilities at designated locations in  
33 Illinois, for which construction commenced not  
34 sooner than July 1, 2001. For the purposes of this

1 Section, "transmission facilities" means  
2 transmission lines with a voltage rating of 115  
3 kilovolts or above, including associated equipment,  
4 that transfer electricity from points of supply to  
5 points of delivery and that transmit a majority of  
6 the electricity generated by a new electric  
7 generating facility designated as a High Impact  
8 Business in accordance with this Section. The  
9 business must certify in writing that the  
10 investments necessary to construct new transmission  
11 facilities or upgrade existing transmission  
12 facilities would not be placed in service without  
13 the tax credits and exemptions set forth in  
14 subsection (b-5) of this Section. The term "placed  
15 in service" has the same meaning as described in  
16 subsection (h) of Section 201 of the Illinois Income  
17 Tax Act; and

18 (4) no later than 90 days after an application is  
19 submitted, the Department shall notify the applicant of  
20 the Department's determination of the qualification of  
21 the proposed High Impact Business under this Section.

22 (b) Businesses designated as High Impact Businesses  
23 pursuant to subdivision (a)(3)(A) of this Section shall  
24 qualify for the credits and exemptions described in the  
25 following Acts: Section 9-222 and Section 9-222.1A of the  
26 Public Utilities Act, subsection (h) of Section 201 of the  
27 Illinois Income Tax Act, and Section 1d of the Retailers'  
28 Occupation Tax Act; provided that these credits and  
29 exemptions described in these Acts shall not be authorized  
30 until the minimum investments set forth in subdivision  
31 (a)(3)(A) of this Section have been placed in service in  
32 qualified properties and, in the case of the exemptions  
33 described in the Public Utilities Act and Section 1d of the  
34 Retailers' Occupation Tax Act, the minimum full-time



1 equivalent jobs or full-time jobs set forth in subdivision  
2 (a)(3)(A) of this Section have been created or retained.  
3 Businesses designated as High Impact Businesses under this  
4 Section shall also qualify for the exemption described in  
5 Section 51 of the Retailers' Occupation Tax Act. The credit  
6 provided in subsection (h) of Section 201 of the Illinois  
7 Income Tax Act shall be applicable to investments in  
8 qualified property as set forth in subdivision (a)(3)(A) of  
9 this Section.

10 (b-5) Businesses designated as High Impact Businesses  
11 pursuant to subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D)  
12 of this Section shall qualify for the credits and exemptions  
13 described in the following Acts: Section 51 of the  
14 Retailers' Occupation Tax Act, Section 9-222 and Section  
15 9-222.1A of the Public Utilities Act, and subsection (h) of  
16 Section 201 of the Illinois Income Tax Act; however, the  
17 credits and exemptions authorized under Section 9-222 and  
18 Section 9-222.1A of the Public Utilities Act, and subsection  
19 (h) of Section 201 of the Illinois Income Tax Act shall not  
20 be authorized until the new electric generating facility, the  
21 new transmission facility, or the new, expanded, or reopened  
22 coal mine is operational, except that a new electric  
23 generating facility whose primary fuel source is natural gas  
24 is eligible only for the exemption under Section 51 of the  
25 Retailers' Occupation Tax Act.

26 (c) High Impact Businesses located in federally  
27 designated foreign trade zones or sub-zones are also eligible  
28 for additional credits, exemptions and deductions as  
29 described in the following Acts: Section 9-221 and Section  
30 9-222.1 of the Public Utilities Act; and subsection (g) of  
31 Section 201, and Section 203 of the Illinois Income Tax Act.

32 (d) Existing Illinois businesses which apply for  
33 designation as a High Impact Business must provide the  
34 Department with the prospective plan for which 1,500

1 full-time jobs would be eliminated in the event that the  
2 business is not designated.

3 (e) New proposed facilities which apply for designation  
4 as High Impact Business must provide the Department with  
5 proof of alternative non-Illinois sites which would receive  
6 the proposed investment and job creation in the event that  
7 the business is not designated as a High Impact Business.

8 (f) In the event that a business is designated a High  
9 Impact Business and it is later determined after reasonable  
10 notice and an opportunity for a hearing as provided under the  
11 Illinois Administrative Procedure Act, that the business  
12 would have placed in service in qualified property the  
13 investments and created or retained the requisite number of  
14 jobs without the benefits of the High Impact Business  
15 designation, the Department shall be required to immediately  
16 revoke the designation and notify the Director of the  
17 Department of Revenue who shall begin proceedings to recover  
18 all wrongfully exempted State taxes with interest. The  
19 business shall also be ineligible for all State funded  
20 Department programs for a period of 10 years.

21 (g) The Department shall revoke a High Impact Business  
22 designation if the participating business fails to comply  
23 with the terms and conditions of the designation.

24 (h) Prior to designating a business, the Department  
25 shall provide the members of the General Assembly and  
26 Illinois Economic and Fiscal Commission with a report setting  
27 forth the terms and conditions of the designation and  
28 guarantees that have been received by the Department in  
29 relation to the proposed business being designated.

30 (Source: P.A. 91-914, eff. 7-7-00; 92-12, eff. 7-1-01;  
31 revised 3-7-02.)

32 Section 11. The Illinois Health Facilities Planning Act  
33 is amended by changing Section 3 as follows:

1 (20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)  
2 (Section scheduled to be repealed on July 1, 2003)

3 Sec. 3. As used in this Act:

4 "Health care facilities" means and includes the following  
5 facilities and organizations:

6 1. An ambulatory surgical treatment center required  
7 to be licensed pursuant to the Ambulatory Surgical  
8 Treatment Center Act;

9 2. An institution, place, building, or agency  
10 required to be licensed pursuant to the Hospital  
11 Licensing Act;

12 3. Skilled and intermediate long term care  
13 facilities licensed under the Nursing Home Care Act;

14 3. Skilled and intermediate long term care  
15 facilities licensed under the Nursing Home Care Act;

16 4. Hospitals, nursing homes, ambulatory surgical  
17 treatment centers, or kidney disease treatment centers  
18 maintained by the State or any department or agency  
19 thereof;

20 5. Kidney disease treatment centers, including a  
21 free-standing hemodialysis unit; and

22 6. An institution, place, building, or room used  
23 for the performance of outpatient surgical procedures  
24 that is leased, owned, or operated by or on behalf of an  
25 out-of-state facility.

26 No federally owned facility shall be subject to the  
27 provisions of this Act, nor facilities used solely for  
28 healing by prayer or spiritual means.

29 No facility licensed under the Supportive Residences  
30 Licensing Act or the Assisted Living and Shared Housing Act  
31 shall be subject to the provisions of this Act.

32 A facility designated as a supportive living facility  
33 that is in good standing with the demonstration project  
34 established under Section 5-5.01a of the Illinois Public Aid

1 Code shall not be subject to the provisions of this Act.

2 This Act does not apply to facilities granted waivers  
3 under Section 3-102.2 of the Nursing Home Care Act. However,  
4 if a demonstration project under that Act applies for a  
5 certificate of need to convert to a nursing facility, it  
6 shall meet the licensure and certificate of need requirements  
7 in effect as of the date of application.

8 This Act shall not apply to the closure of an entity or a  
9 portion of an entity licensed under the Nursing Home Care Act  
10 that elects to convert, in whole or in part, to an assisted  
11 living or shared housing establishment licensed under the  
12 Assisted Living and Shared Housing Establishment Act.

13 With the exception of those health care facilities  
14 specifically included in this Section, nothing in this Act  
15 shall be intended to include facilities operated as a part of  
16 the practice of a physician or other licensed health care  
17 professional, whether practicing in his individual capacity  
18 or within the legal structure of any partnership, medical or  
19 professional corporation, or unincorporated medical or  
20 professional group. Further, this Act shall not apply to  
21 physicians or other licensed health care professional's  
22 practices where such practices are carried out in a portion  
23 of a health care facility under contract with such health  
24 care facility by a physician or by other licensed health care  
25 professionals, whether practicing in his individual capacity  
26 or within the legal structure of any partnership, medical or  
27 professional corporation, or unincorporated medical or  
28 professional groups. This Act shall apply to construction or  
29 modification and to establishment by such health care  
30 facility of such contracted portion which is subject to  
31 facility licensing requirements, irrespective of the party  
32 responsible for such action or attendant financial  
33 obligation.

34 "Person" means any one or more natural persons, legal

1 entities, governmental bodies other than federal, or any  
2 combination thereof.

3 "Consumer" means any person other than a person (a) whose  
4 major occupation currently involves or whose official  
5 capacity within the last 12 months has involved the  
6 providing, administering or financing of any type of health  
7 care facility, (b) who is engaged in health research or the  
8 teaching of health, (c) who has a material financial interest  
9 in any activity which involves the providing, administering  
10 or financing of any type of health care facility, or (d) who  
11 is or ever has been a member of the immediate family of the  
12 person defined by (a), (b), or (c).

13 "State Board" means the Health Facilities Planning Board.

14 "Construction or modification" means the establishment,  
15 erection, building, alteration, reconstruction,  
16 modernization, improvement, extension, discontinuation,  
17 change of ownership, of or by a health care facility, or the  
18 purchase or acquisition by or through a health care facility  
19 of equipment or service for diagnostic or therapeutic  
20 purposes or for facility administration or operation, or any  
21 capital expenditure made by or on behalf of a health care  
22 facility which exceeds the capital expenditure minimum;  
23 however, any capital expenditure made by or on behalf of a  
24 health care facility for the construction or modification of  
25 a facility licensed under the Assisted Living and Shared  
26 Housing Act shall be excluded from any obligations under this  
27 Act.

28 "Establish" means the construction of a health care  
29 facility or the replacement of an existing facility on  
30 another site.

31 "Major medical equipment" means medical equipment which  
32 is used for the provision of medical and other health  
33 services and which costs in excess of the capital expenditure  
34 minimum, except that such term does not include medical

1 equipment acquired by or on behalf of a clinical laboratory  
2 to provide clinical laboratory services if the clinical  
3 laboratory is independent of a physician's office and a  
4 hospital and it has been determined under Title XVIII of the  
5 Social Security Act to meet the requirements of paragraphs  
6 (10) and (11) of Section 1861(s) of such Act. In determining  
7 whether medical equipment has a value in excess of the  
8 capital expenditure minimum, the value of studies, surveys,  
9 designs, plans, working drawings, specifications, and other  
10 activities essential to the acquisition of such equipment  
11 shall be included.

12 "Capital Expenditure" means an expenditure: (A) made by  
13 or on behalf of a health care facility (as such a facility is  
14 defined in this Act); and (B) which under generally accepted  
15 accounting principles is not properly chargeable as an  
16 expense of operation and maintenance, or is made to obtain by  
17 lease or comparable arrangement any facility or part thereof  
18 or any equipment for a facility or part; and which exceeds  
19 the capital expenditure minimum.

20 For the purpose of this paragraph, the cost of any  
21 studies, surveys, designs, plans, working drawings,  
22 specifications, and other activities essential to the  
23 acquisition, improvement, expansion, or replacement of any  
24 plant or equipment with respect to which an expenditure is  
25 made shall be included in determining if such expenditure  
26 exceeds the capital expenditures minimum. Donations of  
27 equipment or facilities to a health care facility which if  
28 acquired directly by such facility would be subject to review  
29 under this Act shall be considered capital expenditures, and  
30 a transfer of equipment or facilities for less than fair  
31 market value shall be considered a capital expenditure for  
32 purposes of this Act if a transfer of the equipment or  
33 facilities at fair market value would be subject to review.

34 "Capital expenditure minimum" means \$6,000,000, which

1 shall be annually adjusted to reflect the increase in  
2 construction costs due to inflation, for major medical  
3 equipment and for all other capital expenditures; provided,  
4 however, that when a capital expenditure is for the  
5 construction or modification of a health and fitness center,  
6 "capital expenditure minimum" means the capital expenditure  
7 minimum for all other capital expenditures in effect on March  
8 1, 2000, which shall be annually adjusted to reflect the  
9 increase in construction costs due to inflation.

10 "Non-clinical service area" means an area (i) for the  
11 benefit of the patients, visitors, staff, or employees of a  
12 health care facility and (ii) not directly related to the  
13 diagnosis, treatment, or rehabilitation of persons receiving  
14 services from the health care facility. "Non-clinical  
15 service areas" include, but are not limited to, chapels; gift  
16 shops; news stands; computer systems; tunnels, walkways, and  
17 elevators; telephone systems; projects to comply with life  
18 safety codes; educational facilities; student housing;  
19 patient, employee, staff, and visitor dining areas;  
20 administration and volunteer offices; modernization of  
21 structural components (such as roof replacement and masonry  
22 work); boiler repair or replacement; vehicle maintenance and  
23 storage facilities; parking facilities; mechanical systems  
24 for heating, ventilation, and air conditioning; loading  
25 docks; and repair or replacement of carpeting, tile, wall  
26 coverings, window coverings or treatments, or furniture.  
27 Solely for the purpose of this definition, "non-clinical  
28 service area" does not include health and fitness centers.

29 "Areawide" means a major area of the State delineated on  
30 a geographic, demographic, and functional basis for health  
31 planning and for health service and having within it one or  
32 more local areas for health planning and health service. The  
33 term "region", as contrasted with the term "subregion", and  
34 the word "area" may be used synonymously with the term

1 "areawide".

2 "Local" means a subarea of a delineated major area that  
3 on a geographic, demographic, and functional basis may be  
4 considered to be part of such major area. The term  
5 "subregion" may be used synonymously with the term "local".

6 "Areawide health planning organization" or "Comprehensive  
7 health planning organization" means the health systems agency  
8 designated by the Secretary, Department of Health and Human  
9 Services or any successor agency.

10 "Local health planning organization" means those local  
11 health planning organizations that are designated as such by  
12 the areawide health planning organization of the appropriate  
13 area.

14 "Physician" means a person licensed to practice in  
15 accordance with the Medical Practice Act of 1987, as amended.

16 "Licensed health care professional" means a person  
17 licensed to practice a health profession under pertinent  
18 licensing statutes of the State of Illinois.

19 "Director" means the Director of the Illinois Department  
20 of Public Health.

21 "Agency" means the Illinois Department of Public Health.

22 "Comprehensive health planning" means health planning  
23 concerned with the total population and all health and  
24 associated problems that affect the well-being of people and  
25 that encompasses health services, health manpower, and health  
26 facilities; and the coordination among these and with those  
27 social, economic, and environmental factors that affect  
28 health.

29 "Alternative health care model" means a facility or  
30 program authorized under the Alternative Health Care Delivery  
31 Act.

32 "Out-of-state facility" means a person that is both (i)  
33 licensed as a hospital or as an ambulatory surgery center  
34 under the laws of another state or that qualifies as a



1 hospital or an ambulatory surgery center under regulations  
2 adopted pursuant to the Social Security Act and (ii) not  
3 licensed under the Ambulatory Surgical Treatment Center Act,  
4 the Hospital Licensing Act, or the Nursing Home Care Act.  
5 Affiliates of out-of-state facilities shall be considered  
6 out-of-state facilities. Affiliates of Illinois licensed  
7 health care facilities 100% owned by an Illinois licensed  
8 health care facility, its parent, or Illinois physicians  
9 licensed to practice medicine in all its branches shall not  
10 be considered out-of-state facilities. Nothing in this  
11 definition shall be construed to include an office or any  
12 part of an office of a physician licensed to practice  
13 medicine in all its branches in Illinois that is not required  
14 to be licensed under the Ambulatory Surgical Treatment Center  
15 Act.

16 (Source: P.A. 90-14, eff. 7-1-97; 91-656, eff. 1-1-01;  
17 91-782, eff. 6-9-00; revised 11-6-02.)

18 Section 12. The Legislative Commission Reorganization  
19 Act of 1984 is amended by changing Section 10-3 as follows:

20 (25 ILCS 130/10-3) (from Ch. 63, par. 1010-3)

21 Sec. 10-3. The Legislative Research Unit may administer a  
22 legislative staff internship program in cooperation with a  
23 university in the state designated by the Legislative  
24 Research Unit. For the purpose of advising in the  
25 administration of such a program, there is created a  
26 sponsoring committee for legislative staff internships  
27 consisting of the chairman of the Legislative Research Unit  
28 or a member designated by him, the President of the Senate or  
29 a Senator designated by him, the Speaker of the House of  
30 Representatives or a Representative designated by him, the  
31 Minority Leader of the Senate or a Senator designated by him,  
32 and the Minority Leader of the House of Representatives or a

1 Representative designated by him, as plenary members, and as  
2 associate members, one person from the academic staff of each  
3 university designated by the Legislative Research Unit as a  
4 cooperating university and agreeing to cooperate, such person  
5 to be appointed by the ranking academic official of such  
6 university. Until the Legislative Research Unit, by  
7 resolution, determines otherwise, such cooperating  
8 universities are Northwestern University, Illinois Institute  
9 of Technology, University of Chicago, University of Illinois,  
10 Roosevelt University, Western Illinois University, Loyola  
11 University of Chicago, Southern Illinois University, DePaul  
12 University, Eastern Illinois University, Northern Illinois  
13 University, Sangamon---State University of Illinois at  
14 Springfield, and Illinois State University. Associate  
15 members shall serve at the pleasure of their respective  
16 appointing authorities. Members of the sponsoring committee  
17 shall serve without compensation, but shall be reimbursed for  
18 necessary expenses in connection with the performance of  
19 their duties.

20 (Source: P.A. 83-1257; revised 11-6-02.)

21 (30 ILCS 105/5.230 rep.)

22 Section 13. The State Finance Act is amended by  
23 repealing Section 5.230.

24 Section 13.1. The State Finance Act is amended by  
25 setting forth and renumbering multiple versions of Sections  
26 5.545, 5.552, 5.567, 5.570, and 5.571 and changing Section  
27 6z-43 as follows:

28 (30 ILCS 105/5.545)

29 Sec. 5.545. The Digital Divide Elimination Fund.

1 (Source: P.A. 92-22, eff. 6-30-01; 92-651, eff. 7-11-02.)

2 (30 ILCS 105/5.552)

3 Sec. 5.552. The ICCB Adult Education Fund.

4 (Source: P.A. 92-49, eff. 7-9-01; 92-651, eff. 7-11-02.)

5 (30 ILCS 105/5.567)

6 Sec. 5.567. The Secretary of State Police Services Fund.

7 (Source: P.A. 92-501, eff. 12-19-01; 92-651, eff. 7-11-02.)

8 (30 ILCS 105/5.569)

9 Sec. 5.569 ~~5-570~~. The National Guard Grant Fund.

10 (Source: P.A. 92-589, eff. 7-1-02; revised 8-27-02.)

11 (30 ILCS 105/5.570)

12 Sec. 5.570. The Illinois Student Assistance Commission  
13 Contracts and Grants Fund.

14 (Source: P.A. 92-597, eff. 6-28-02.)

15 (30 ILCS 105/5.571)

16 Sec. 5.571. The Career and Technical Education Fund.

17 (Source: P.A. 92-597, eff. 6-28-02.)

18 (30 ILCS 105/5.572)

19 Sec. 5.572 ~~5-570~~. The Presidential Library and Museum  
20 Operating Fund.

21 (Source: P.A. 92-600, eff. 6-28-02; revised 8-27-02.)

22 (30 ILCS 105/5.573)

23 Sec. 5.573 ~~5-571~~. The Family Care Fund.

24 (Source: P.A. 92-600, eff. 6-28-02; revised 8-27-02.)

25 (30 ILCS 105/5.574)

26 Sec. 5.574 ~~5-570~~. The Transportation Safety Highway

1 Hire-back Fund.

2 (Source: P.A. 92-619, eff. 1-1-03; revised 8-27-02.)

3 (30 ILCS 105/5.575)

4 Sec. 5.575 5-570. The McKinley Bridge Fund.

5 (Source: P.A. 92-679, eff. 7-16-02; revised 8-27-02.)

6 (30 ILCS 105/5.576)

7 Sec. 5.576 5-570. The Illinois Century Network Special  
8 Purposes Fund.

9 (Source: P.A. 92-691, eff. 7-18-02; revised 8-27-02.)

10 (30 ILCS 105/5.577)

11 Sec. 5.577 5-545. The Hospice Fund.

12 (Source: P.A. 92-693, eff. 1-1-03; revised 8-27-02.)

13 (30 ILCS 105/5.578)

14 Sec. 5.578 5-552. Lewis and Clark Bicentennial Fund.

15 (Source: P.A. 92-694, eff. 1-1-03; revised 8-27-02.)

16 (30 ILCS 105/5.579)

17 Sec. 5.579 5-570. The Public Broadcasting Fund.

18 (Source: P.A. 92-695, eff. 1-1-03; revised 8-27-02.)

19 (30 ILCS 105/5.580)

20 Sec. 5.580 5-570. The Park District Youth Program Fund.

21 (Source: P.A. 92-697, eff. 7-19-02; revised 8-27-02.)

22 (30 ILCS 105/5.581)

23 Sec. 5.581 5-570. The Professional Sports Teams  
24 Education Fund.

25 (Source: P.A. 92-699, eff. 1-1-03; revised 8-27-02.)

26 (30 ILCS 105/5.582)

1           Sec. 5.582 5-570. The Illinois Pan Hellenic Trust Fund.  
2           (Source: P.A. 92-702, eff. 1-1-03; revised 8-27-02.)

3           (30 ILCS 105/5.583)

4           Sec. 5.583 5-567. The September 11th Fund.  
5           (Source: P.A. 92-704, eff. 7-19-02; revised 8-27-02.)

6           (30 ILCS 105/5.584)

7           Sec. 5.584 5-570. The Illinois Route 66 Heritage Project  
8           Fund.  
9           (Source: P.A. 92-706, eff. 1-1-03; revised 8-27-02.)

10          (30 ILCS 105/5.585)

11          Sec. 5.585 5-570. The Stop Neuroblastoma Fund.  
12          (Source: P.A. 92-711, eff. 7-19-02; revised 8-27-02.)

13          (30 ILCS 105/5.586)

14          Sec. 5.586 5-570. The Lawyers' Assistance Program Fund.  
15          (Source: P.A. 92-747, eff. 7-31-02; revised 8-27-02.)

16          (30 ILCS 105/5.587)

17          Sec. 5.587 5-570. The Local Planning Fund.  
18          (Source: P.A. 92-768, eff. 8-6-02; revised 8-27-02.)

19          (30 ILCS 105/5.588)

20          Sec. 5.588 5-570. The Multiple Sclerosis Assistance  
21          Fund.  
22          (Source: P.A. 92-772, eff. 8-6-02; revised 8-27-02.)

23          (30 ILCS 105/5.589)

24          Sec. 5.589 5-570. The Innovations in Long-term Care  
25          Quality Demonstration Grants Fund.  
26          (Source: P.A. 92-784, eff. 8-6-02; revised 8-27-02.)

1 (30 ILCS 105/5.590)

2 (This Section may contain text from a Public Act with a  
3 delayed effective date)

4 Sec. 5.590 5-570. The End Stage Renal Disease Facility  
5 Licensing Fund.

6 (Source: P.A. 92-794, eff. 7-1-03; revised 8-27-02.)

7 (30 ILCS 105/5.591)

8 Sec. 5.591 5-570. The Restricted Call Registry Fund.

9 (Source: P.A. 92-795, eff. 8-9-02; revised 8-27-02.)

10 (30 ILCS 105/5.592)

11 Sec. 5.592 5-570. The Illinois Military Family Relief  
12 Fund.

13 (Source: P.A. 92-886, eff. 2-7-03; revised 2-17-03.)

14 (30 ILCS 105/6z-43)

15 Sec. 6z-43. Tobacco Settlement Recovery Fund.

16 (a) There is created in the State Treasury a special  
17 fund to be known as the Tobacco Settlement Recovery Fund,  
18 into which shall be deposited all monies paid to the State  
19 pursuant to (1) the Master Settlement Agreement entered in  
20 the case of People of the State of Illinois v. Philip Morris,  
21 et al. (Circuit Court of Cook County, No. 96-L13146) and (2)  
22 any settlement with or judgment against any tobacco product  
23 manufacturer other than one participating in the Master  
24 Settlement Agreement in satisfaction of any released claim as  
25 defined in the Master Settlement Agreement, as well as any  
26 other monies as provided by law. All earnings on Fund  
27 investments shall be deposited into the Fund. Upon the  
28 creation of the Fund, the State Comptroller shall order the  
29 State Treasurer to transfer into the Fund any monies paid to  
30 the State as described in item (1) or (2) of this Section  
31 before the creation of the Fund plus any interest earned on

1 the investment of those monies. The Treasurer may invest the  
2 moneys in the Fund in the same manner, in the same types of  
3 investments, and subject to the same limitations provided in  
4 the Illinois Pension Code for the investment of pension funds  
5 other than those established under Article 3 or 4 of the  
6 Code.

7 (b) As soon as may be practical after June 30, 2001,  
8 upon notification from and at the direction of the Governor,  
9 the State Comptroller shall direct and the State Treasurer  
10 shall transfer the unencumbered balance in the Tobacco  
11 Settlement Recovery Fund as of June 30, 2001, as determined  
12 by the Governor, into the Budget Stabilization Fund. The  
13 Treasurer may invest the moneys in the Budget Stabilization  
14 Fund in the same manner, in the same types of investments,  
15 and subject to the same limitations provided in the Illinois  
16 Pension Code for the investment of pension funds other than  
17 those established under Article 3 or 4 of the Code.

18 (c) In addition to any other deposits authorized by law,  
19 after any delivery of any bonds as authorized by Section 7.5  
20 of the General Obligation Bond Act for deposits to the  
21 General Revenue Fund and the Budget Stabilization Fund  
22 (referred to as "tobacco securitization general obligation  
23 bonds"), the Governor shall certify, on or before June 30,  
24 2003 and June 30 of each year thereafter, to the State  
25 Comptroller and State Treasurer the total amount of principal  
26 of, interest on, and premium, if any, due on those bonds in  
27 the next fiscal year beginning with amounts due in fiscal  
28 year 2004. As soon as practical after the annual payment of  
29 tobacco settlement moneys to the Tobacco Settlement Recovery  
30 Fund as described in item (1) of subsection (a), the State  
31 Treasurer and State Comptroller shall transfer from the  
32 Tobacco Settlement Recovery Fund to the General Obligation  
33 Bond Retirement and Interest Fund the amount certified by the  
34 Governor, plus any cumulative deficiency in those transfers

1 for prior years.

2 (d) (e) All federal financial participation moneys  
3 received pursuant to expenditures from the Fund shall be  
4 deposited into the Fund.

5 (Source: P.A. 91-646, eff. 11-19-99; 91-704, eff. 7-1-00;  
6 91-797, eff. 6-9-00; 92-11, eff. 6-11-01; 92-16, eff.  
7 6-28-01; 92-596, eff. 6-28-02; 92-597, eff. 6-28-02; revised  
8 9-3-02.)

9 Section 14. The General Obligation Bond Act is amended  
10 by changing Section 2 as follows:

11 (30 ILCS 330/2) (from Ch. 127, par. 652)

12 Sec. 2. Authorization for Bonds. The State of Illinois  
13 is authorized to issue, sell and provide for the retirement  
14 of General Obligation Bonds of the State of Illinois for the  
15 categories and specific purposes expressed in Sections 2  
16 through 8 of this Act, in the total amount of \$17,658,149,369  
17 ~~\$16,908,149,369~~ ~~\$16,015,007,500~~.

18 The bonds authorized in this Section 2 and in Section 16  
19 of this Act are herein called "Bonds".

20 Of the total amount of Bonds authorized in this Act, up  
21 to \$2,200,000,000 in aggregate original principal amount may  
22 be issued and sold in accordance with the Baccalaureate  
23 Savings Act in the form of General Obligation College Savings  
24 Bonds.

25 Of the total amount of Bonds authorized in this Act, up  
26 to \$300,000,000 in aggregate original principal amount may be  
27 issued and sold in accordance with the Retirement Savings Act  
28 in the form of General Obligation Retirement Savings Bonds.

29 The issuance and sale of Bonds pursuant to the General  
30 Obligation Bond Act is an economical and efficient method of  
31 financing the capital and general operating needs of the  
32 State. This Act will permit the issuance of a multi-purpose



1 General Obligation Bond with uniform terms and features.  
 2 This will not only lower the cost of registration but also  
 3 reduce the overall cost of issuing debt by improving the  
 4 marketability of Illinois General Obligation Bonds.

5 (Source: P.A. 91-39, eff. 6-15-99; 91-53, eff. 6-30-99;  
 6 91-710, eff. 5-17-00; 92-13, eff. 6-22-01; 92-596, eff.  
 7 6-28-02; 92-598, eff. 6-28-02; revised 10-8-02.)

8 Section 15. The State Mandates Act is amended by setting  
 9 forth, renumbering, and changing multiple versions of  
 10 Sections 8.25 and 8.26 as follows:

11 (30 ILCS 805/8.25)

12 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6  
 13 and 8 of this Act, no reimbursement by the State is required  
 14 for the implementation of any mandate created by Public Act  
 15 92-36, 92-50, 92-52, 92-53, 92-166, 92-281, 92-382, 92-388,  
 16 92-416, 92-424, or 92-465.

17 (Source: P.A. 92-36, eff. 6-28-01; 92-50, eff. 7-12-01;  
 18 92-52, eff. 7-12-01; 92-53, eff. 7-12-01; 92-166, eff.  
 19 1-1-02; 92-281, eff. 8-7-01; 92-382, eff. 8-16-01; 92-388,  
 20 eff. 1-1-02; 92-416, eff. 8-17-01; 92-424, eff. 8-17-01;  
 21 92-465, eff. 1-1-02; 92-651, eff. 7-11-02.)

22 (30 ILCS 805/8.26)

23 Sec. 8.26 ~~8-25~~. Exempt mandate. Notwithstanding Sections  
 24 6 and 8 of this Act, no reimbursement by the State is  
 25 required for the implementation of any mandate created by  
 26 Public Act 92-505, 92-533, 92-599, 92-602, 92-609, 92-616,  
 27 92-631, 92-705, 92-733, 92-767, 92-779, 92-844, or 92-846.

28 ~~this-amendatory-Act-of-the-92nd-General-Assembly.~~

29 (Source: P.A. 92-505, eff. 12-20-01; 92-533, eff. 3-14-02;  
 30 92-599, eff. 6-28-02; 92-602, eff. 7-1-02; 92-609, eff.  
 31 7-1-02; 92-616, eff. 7-8-02; 92-631, eff. 7-11-02; 92-705,

1 eff. 7-19-02; 92-733, eff. 7-25-02; 92-767, eff. 8-6-02;  
2 92-779, eff. 8-6-02; 92-844, eff. 8-23-02; 92-846, eff.  
3 8-23-02; revised 10-25-02.)

4 Section 16. The Illinois Income Tax Act is amended by  
5 changing Sections 203, 509, and 510 as follows:

6 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

7 Sec. 203. Base income defined.

8 (a) Individuals.

9 (1) In general. In the case of an individual, base  
10 income means an amount equal to the taxpayer's adjusted  
11 gross income for the taxable year as modified by  
12 paragraph (2).

13 (2) Modifications. The adjusted gross income  
14 referred to in paragraph (1) shall be modified by adding  
15 thereto the sum of the following amounts:

16 (A) An amount equal to all amounts paid or  
17 accrued to the taxpayer as interest or dividends  
18 during the taxable year to the extent excluded from  
19 gross income in the computation of adjusted gross  
20 income, except stock dividends of qualified public  
21 utilities described in Section 305(e) of the  
22 Internal Revenue Code;

23 (B) An amount equal to the amount of tax  
24 imposed by this Act to the extent deducted from  
25 gross income in the computation of adjusted gross  
26 income for the taxable year;

27 (C) An amount equal to the amount received  
28 during the taxable year as a recovery or refund of  
29 real property taxes paid with respect to the  
30 taxpayer's principal residence under the Revenue Act  
31 of 1939 and for which a deduction was previously  
32 taken under subparagraph (L) of this paragraph (2)

1 prior to July 1, 1991, the retrospective application  
2 date of Article 4 of Public Act 87-17. In the case  
3 of multi-unit or multi-use structures and farm  
4 dwellings, the taxes on the taxpayer's principal  
5 residence shall be that portion of the total taxes  
6 for the entire property which is attributable to  
7 such principal residence;

8 (D) An amount equal to the amount of the  
9 capital gain deduction allowable under the Internal  
10 Revenue Code, to the extent deducted from gross  
11 income in the computation of adjusted gross income;

12 (D-5) An amount, to the extent not included in  
13 adjusted gross income, equal to the amount of money  
14 withdrawn by the taxpayer in the taxable year from a  
15 medical care savings account and the interest earned  
16 on the account in the taxable year of a withdrawal  
17 pursuant to subsection (b) of Section 20 of the  
18 Medical Care Savings Account Act or subsection (b)  
19 of Section 20 of the Medical Care Savings Account  
20 Act of 2000;

21 (D-10) For taxable years ending after December  
22 31, 1997, an amount equal to any eligible  
23 remediation costs that the individual deducted in  
24 computing adjusted gross income and for which the  
25 individual claims a credit under subsection (l) of  
26 Section 201;

27 (D-15) For taxable years 2001 and thereafter,  
28 an amount equal to the bonus depreciation deduction  
29 (30% of the adjusted basis of the qualified  
30 property) taken on the taxpayer's federal income tax  
31 return for the taxable year under subsection (k) of  
32 Section 168 of the Internal Revenue Code; and

33 (D-16) If the taxpayer reports a capital gain  
34 or loss on the taxpayer's federal income tax return

1 for the taxable year based on a sale or transfer of  
2 property for which the taxpayer was required in any  
3 taxable year to make an addition modification under  
4 subparagraph (D-15), then an amount equal to the  
5 aggregate amount of the deductions taken in all  
6 taxable years under subparagraph (Z) with respect to  
7 that property.†

8 The taxpayer is required to make the addition  
9 modification under this subparagraph only once with  
10 respect to any one piece of property;† and

11 (D-20) ~~(D-15)~~ For taxable years beginning on  
12 or after January 1, 2002, in the case of a  
13 distribution from a qualified tuition program under  
14 Section 529 of the Internal Revenue Code, other than  
15 (i) a distribution from a College Savings Pool  
16 created under Section 16.5 of the State Treasurer  
17 Act or (ii) a distribution from the Illinois Prepaid  
18 Tuition Trust Fund, an amount equal to the amount  
19 excluded from gross income under Section  
20 529(c)(3)(B);

21 and by deducting from the total so obtained the sum of  
22 the following amounts:

23 (E) For taxable years ending before December  
24 31, 2001, any amount included in such total in  
25 respect of any compensation (including but not  
26 limited to any compensation paid or accrued to a  
27 serviceman while a prisoner of war or missing in  
28 action) paid to a resident by reason of being on  
29 active duty in the Armed Forces of the United States  
30 and in respect of any compensation paid or accrued  
31 to a resident who as a governmental employee was a  
32 prisoner of war or missing in action, and in respect  
33 of any compensation paid to a resident in 1971 or  
34 thereafter for annual training performed pursuant to

1 Sections 502 and 503, Title 32, United States Code  
2 as a member of the Illinois National Guard. For  
3 taxable years ending on or after December 31, 2001,  
4 any amount included in such total in respect of any  
5 compensation (including but not limited to any  
6 compensation paid or accrued to a serviceman while a  
7 prisoner of war or missing in action) paid to a  
8 resident by reason of being a member of any  
9 component of the Armed Forces of the United States  
10 and in respect of any compensation paid or accrued  
11 to a resident who as a governmental employee was a  
12 prisoner of war or missing in action, and in respect  
13 of any compensation paid to a resident in 2001 or  
14 thereafter by reason of being a member of the  
15 Illinois National Guard. The provisions of this  
16 amendatory Act of the 92nd General Assembly are  
17 exempt from the provisions of Section 250;

18 (F) An amount equal to all amounts included in  
19 such total pursuant to the provisions of Sections  
20 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and  
21 408 of the Internal Revenue Code, or included in  
22 such total as distributions under the provisions of  
23 any retirement or disability plan for employees of  
24 any governmental agency or unit, or retirement  
25 payments to retired partners, which payments are  
26 excluded in computing net earnings from self  
27 employment by Section 1402 of the Internal Revenue  
28 Code and regulations adopted pursuant thereto;

29 (G) The valuation limitation amount;

30 (H) An amount equal to the amount of any tax  
31 imposed by this Act which was refunded to the  
32 taxpayer and included in such total for the taxable  
33 year;

34 (I) An amount equal to all amounts included in

1 such total pursuant to the provisions of Section 111  
2 of the Internal Revenue Code as a recovery of items  
3 previously deducted from adjusted gross income in  
4 the computation of taxable income;

5 (J) An amount equal to those dividends  
6 included in such total which were paid by a  
7 corporation which conducts business operations in an  
8 Enterprise Zone or zones created under the Illinois  
9 Enterprise Zone Act, and conducts substantially all  
10 of its operations in an Enterprise Zone or zones;

11 (K) An amount equal to those dividends  
12 included in such total that were paid by a  
13 corporation that conducts business operations in a  
14 federally designated Foreign Trade Zone or Sub-Zone  
15 and that is designated a High Impact Business  
16 located in Illinois; provided that dividends  
17 eligible for the deduction provided in subparagraph  
18 (J) of paragraph (2) of this subsection shall not be  
19 eligible for the deduction provided under this  
20 subparagraph (K);

21 (L) For taxable years ending after December  
22 31, 1983, an amount equal to all social security  
23 benefits and railroad retirement benefits included  
24 in such total pursuant to Sections 72(r) and 86 of  
25 the Internal Revenue Code;

26 (M) With the exception of any amounts  
27 subtracted under subparagraph (N), an amount equal  
28 to the sum of all amounts disallowed as deductions  
29 by (i) Sections 171(a) (2), and 265(2) of the  
30 Internal Revenue Code of 1954, as now or hereafter  
31 amended, and all amounts of expenses allocable to  
32 interest and disallowed as deductions by Section  
33 265(1) of the Internal Revenue Code of 1954, as now  
34 or hereafter amended; and (ii) for taxable years

1 ending on or after August 13, 1999, Sections  
2 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the  
3 Internal Revenue Code; the provisions of this  
4 subparagraph are exempt from the provisions of  
5 Section 250;

6 (N) An amount equal to all amounts included in  
7 such total which are exempt from taxation by this  
8 State either by reason of its statutes or  
9 Constitution or by reason of the Constitution,  
10 treaties or statutes of the United States; provided  
11 that, in the case of any statute of this State that  
12 exempts income derived from bonds or other  
13 obligations from the tax imposed under this Act, the  
14 amount exempted shall be the interest net of bond  
15 premium amortization;

16 (O) An amount equal to any contribution made  
17 to a job training project established pursuant to  
18 the Tax Increment Allocation Redevelopment Act;

19 (P) An amount equal to the amount of the  
20 deduction used to compute the federal income tax  
21 credit for restoration of substantial amounts held  
22 under claim of right for the taxable year pursuant  
23 to Section 1341 of the Internal Revenue Code of  
24 1986;

25 (Q) An amount equal to any amounts included in  
26 such total, received by the taxpayer as an  
27 acceleration in the payment of life, endowment or  
28 annuity benefits in advance of the time they would  
29 otherwise be payable as an indemnity for a terminal  
30 illness;

31 (R) An amount equal to the amount of any  
32 federal or State bonus paid to veterans of the  
33 Persian Gulf War;

34 (S) An amount, to the extent included in

1 adjusted gross income, equal to the amount of a  
2 contribution made in the taxable year on behalf of  
3 the taxpayer to a medical care savings account  
4 established under the Medical Care Savings Account  
5 Act or the Medical Care Savings Account Act of 2000  
6 to the extent the contribution is accepted by the  
7 account administrator as provided in that Act;

8 (T) An amount, to the extent included in  
9 adjusted gross income, equal to the amount of  
10 interest earned in the taxable year on a medical  
11 care savings account established under the Medical  
12 Care Savings Account Act or the Medical Care Savings  
13 Account Act of 2000 on behalf of the taxpayer, other  
14 than interest added pursuant to item (D-5) of this  
15 paragraph (2);

16 (U) For one taxable year beginning on or after  
17 January 1, 1994, an amount equal to the total amount  
18 of tax imposed and paid under subsections (a) and  
19 (b) of Section 201 of this Act on grant amounts  
20 received by the taxpayer under the Nursing Home  
21 Grant Assistance Act during the taxpayer's taxable  
22 years 1992 and 1993;

23 (V) Beginning with tax years ending on or  
24 after December 31, 1995 and ending with tax years  
25 ending on or before December 31, 2004, an amount  
26 equal to the amount paid by a taxpayer who is a  
27 self-employed taxpayer, a partner of a partnership,  
28 or a shareholder in a Subchapter S corporation for  
29 health insurance or long-term care insurance for  
30 that taxpayer or that taxpayer's spouse or  
31 dependents, to the extent that the amount paid for  
32 that health insurance or long-term care insurance  
33 may be deducted under Section 213 of the Internal  
34 Revenue Code of 1986, has not been deducted on the



1 federal income tax return of the taxpayer, and does  
2 not exceed the taxable income attributable to that  
3 taxpayer's income, self-employment income, or  
4 Subchapter S corporation income; except that no  
5 deduction shall be allowed under this item (V) if  
6 the taxpayer is eligible to participate in any  
7 health insurance or long-term care insurance plan of  
8 an employer of the taxpayer or the taxpayer's  
9 spouse. The amount of the health insurance and  
10 long-term care insurance subtracted under this item  
11 (V) shall be determined by multiplying total health  
12 insurance and long-term care insurance premiums paid  
13 by the taxpayer times a number that represents the  
14 fractional percentage of eligible medical expenses  
15 under Section 213 of the Internal Revenue Code of  
16 1986 not actually deducted on the taxpayer's federal  
17 income tax return;

18 (W) For taxable years beginning on or after  
19 January 1, 1998, all amounts included in the  
20 taxpayer's federal gross income in the taxable year  
21 from amounts converted from a regular IRA to a Roth  
22 IRA. This paragraph is exempt from the provisions of  
23 Section 250;

24 (X) For taxable year 1999 and thereafter, an  
25 amount equal to the amount of any (i) distributions,  
26 to the extent includible in gross income for federal  
27 income tax purposes, made to the taxpayer because of  
28 his or her status as a victim of persecution for  
29 racial or religious reasons by Nazi Germany or any  
30 other Axis regime or as an heir of the victim and  
31 (ii) items of income, to the extent includible in  
32 gross income for federal income tax purposes,  
33 attributable to, derived from or in any way related  
34 to assets stolen from, hidden from, or otherwise

1 lost to a victim of persecution for racial or  
2 religious reasons by Nazi Germany or any other Axis  
3 regime immediately prior to, during, and immediately  
4 after World War II, including, but not limited to,  
5 interest on the proceeds receivable as insurance  
6 under policies issued to a victim of persecution for  
7 racial or religious reasons by Nazi Germany or any  
8 other Axis regime by European insurance companies  
9 immediately prior to and during World War II;  
10 provided, however, this subtraction from federal  
11 adjusted gross income does not apply to assets  
12 acquired with such assets or with the proceeds from  
13 the sale of such assets; provided, further, this  
14 paragraph shall only apply to a taxpayer who was the  
15 first recipient of such assets after their recovery  
16 and who is a victim of persecution for racial or  
17 religious reasons by Nazi Germany or any other Axis  
18 regime or as an heir of the victim. The amount of  
19 and the eligibility for any public assistance,  
20 benefit, or similar entitlement is not affected by  
21 the inclusion of items (i) and (ii) of this  
22 paragraph in gross income for federal income tax  
23 purposes. This paragraph is exempt from the  
24 provisions of Section 250;

25 (Y) For taxable years beginning on or after  
26 January 1, 2002, moneys contributed in the taxable  
27 year to a College Savings Pool account under Section  
28 16.5 of the State Treasurer Act, except that amounts  
29 excluded from gross income under Section  
30 529(c)(3)(C)(i) of the Internal Revenue Code shall  
31 not be considered moneys contributed under this  
32 subparagraph (Y). This subparagraph (Y) is exempt  
33 from the provisions of Section 250;

34 (Z) For taxable years 2001 and thereafter, for

1 the taxable year in which the bonus depreciation  
2 deduction (30% of the adjusted basis of the  
3 qualified property) is taken on the taxpayer's  
4 federal income tax return under subsection (k) of  
5 Section 168 of the Internal Revenue Code and for  
6 each applicable taxable year thereafter, an amount  
7 equal to "x", where:

8 (1) "y" equals the amount of the  
9 depreciation deduction taken for the taxable  
10 year on the taxpayer's federal income tax  
11 return on property for which the bonus  
12 depreciation deduction (30% of the adjusted  
13 basis of the qualified property) was taken in  
14 any year under subsection (k) of Section 168 of  
15 the Internal Revenue Code, but not including  
16 the bonus depreciation deduction; and

17 (2) "x" equals "y" multiplied by 30 and  
18 then divided by 70 (or "y" multiplied by  
19 0.429).

20 The aggregate amount deducted under this  
21 subparagraph in all taxable years for any one piece  
22 of property may not exceed the amount of the bonus  
23 depreciation deduction (30% of the adjusted basis of  
24 the qualified property) taken on that property on  
25 the taxpayer's federal income tax return under  
26 subsection (k) of Section 168 of the Internal  
27 Revenue Code; and

28 (AA) If the taxpayer reports a capital gain or  
29 loss on the taxpayer's federal income tax return for  
30 the taxable year based on a sale or transfer of  
31 property for which the taxpayer was required in any  
32 taxable year to make an addition modification under  
33 subparagraph (D-15), then an amount equal to that  
34 addition modification.

1           The taxpayer is allowed to take the deduction  
2           under this subparagraph only once with respect to  
3           any one piece of property; and

4           (BB) ~~(Z)~~ Any amount included in adjusted gross  
5           income, other than salary, received by a driver in a  
6           ridesharing arrangement using a motor vehicle.

7           (b) Corporations.

8           (1) In general. In the case of a corporation, base  
9           income means an amount equal to the taxpayer's taxable  
10          income for the taxable year as modified by paragraph (2).

11          (2) Modifications. The taxable income referred to  
12          in paragraph (1) shall be modified by adding thereto the  
13          sum of the following amounts:

14                  (A) An amount equal to all amounts paid or  
15                  accrued to the taxpayer as interest and all  
16                  distributions received from regulated investment  
17                  companies during the taxable year to the extent  
18                  excluded from gross income in the computation of  
19                  taxable income;

20                  (B) An amount equal to the amount of tax  
21                  imposed by this Act to the extent deducted from  
22                  gross income in the computation of taxable income  
23                  for the taxable year;

24                  (C) In the case of a regulated investment  
25                  company, an amount equal to the excess of (i) the  
26                  net long-term capital gain for the taxable year,  
27                  over (ii) the amount of the capital gain dividends  
28                  designated as such in accordance with Section  
29                  852(b)(3)(C) of the Internal Revenue Code and any  
30                  amount designated under Section 852(b)(3)(D) of the  
31                  Internal Revenue Code, attributable to the taxable  
32                  year (this amendatory Act of 1995 (Public Act 89-89)  
33                  is declarative of existing law and is not a new  
34                  enactment);

1 (D) The amount of any net operating loss  
2 deduction taken in arriving at taxable income, other  
3 than a net operating loss carried forward from a  
4 taxable year ending prior to December 31, 1986;

5 (E) For taxable years in which a net operating  
6 loss carryback or carryforward from a taxable year  
7 ending prior to December 31, 1986 is an element of  
8 taxable income under paragraph (1) of subsection (e)  
9 or subparagraph (E) of paragraph (2) of subsection  
10 (e), the amount by which addition modifications  
11 other than those provided by this subparagraph (E)  
12 exceeded subtraction modifications in such earlier  
13 taxable year, with the following limitations applied  
14 in the order that they are listed:

15 (i) the addition modification relating to  
16 the net operating loss carried back or forward  
17 to the taxable year from any taxable year  
18 ending prior to December 31, 1986 shall be  
19 reduced by the amount of addition modification  
20 under this subparagraph (E) which related to  
21 that net operating loss and which was taken  
22 into account in calculating the base income of  
23 an earlier taxable year, and

24 (ii) the addition modification relating  
25 to the net operating loss carried back or  
26 forward to the taxable year from any taxable  
27 year ending prior to December 31, 1986 shall  
28 not exceed the amount of such carryback or  
29 carryforward;

30 For taxable years in which there is a net  
31 operating loss carryback or carryforward from more  
32 than one other taxable year ending prior to December  
33 31, 1986, the addition modification provided in this  
34 subparagraph (E) shall be the sum of the amounts

1           computed independently under the preceding  
2           provisions of this subparagraph (E) for each such  
3           taxable year;

4           (E-5) For taxable years ending after December  
5           31, 1997, an amount equal to any eligible  
6           remediation costs that the corporation deducted in  
7           computing adjusted gross income and for which the  
8           corporation claims a credit under subsection (l) of  
9           Section 201;

10          (E-10) For taxable years 2001 and thereafter,  
11          an amount equal to the bonus depreciation deduction  
12          (30% of the adjusted basis of the qualified  
13          property) taken on the taxpayer's federal income tax  
14          return for the taxable year under subsection (k) of  
15          Section 168 of the Internal Revenue Code; and

16          (E-11) If the taxpayer reports a capital gain  
17          or loss on the taxpayer's federal income tax return  
18          for the taxable year based on a sale or transfer of  
19          property for which the taxpayer was required in any  
20          taxable year to make an addition modification under  
21          subparagraph (E-10), then an amount equal to the  
22          aggregate amount of the deductions taken in all  
23          taxable years under subparagraph (T) with respect to  
24          that property;

25          The taxpayer is required to make the addition  
26          modification under this subparagraph only once with  
27          respect to any one piece of property;

28          and by deducting from the total so obtained the sum of  
29          the following amounts:

30          (F) An amount equal to the amount of any tax  
31          imposed by this Act which was refunded to the  
32          taxpayer and included in such total for the taxable  
33          year;

34          (G) An amount equal to any amount included in

1 such total under Section 78 of the Internal Revenue  
2 Code;

3 (H) In the case of a regulated investment  
4 company, an amount equal to the amount of exempt  
5 interest dividends as defined in subsection (b) (5)  
6 of Section 852 of the Internal Revenue Code, paid to  
7 shareholders for the taxable year;

8 (I) With the exception of any amounts  
9 subtracted under subparagraph (J), an amount equal  
10 to the sum of all amounts disallowed as deductions  
11 by (i) Sections 171(a) (2), and 265(a)(2) and  
12 amounts disallowed as interest expense by Section  
13 291(a)(3) of the Internal Revenue Code, as now or  
14 hereafter amended, and all amounts of expenses  
15 allocable to interest and disallowed as deductions  
16 by Section 265(a)(1) of the Internal Revenue Code,  
17 as now or hereafter amended; and (ii) for taxable  
18 years ending on or after August 13, 1999, Sections  
19 171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i)  
20 of the Internal Revenue Code; the provisions of this  
21 subparagraph are exempt from the provisions of  
22 Section 250;

23 (J) An amount equal to all amounts included in  
24 such total which are exempt from taxation by this  
25 State either by reason of its statutes or  
26 Constitution or by reason of the Constitution,  
27 treaties or statutes of the United States; provided  
28 that, in the case of any statute of this State that  
29 exempts income derived from bonds or other  
30 obligations from the tax imposed under this Act, the  
31 amount exempted shall be the interest net of bond  
32 premium amortization;

33 (K) An amount equal to those dividends  
34 included in such total which were paid by a

1 corporation which conducts business operations in an  
2 Enterprise Zone or zones created under the Illinois  
3 Enterprise Zone Act and conducts substantially all  
4 of its operations in an Enterprise Zone or zones;

5 (L) An amount equal to those dividends  
6 included in such total that were paid by a  
7 corporation that conducts business operations in a  
8 federally designated Foreign Trade Zone or Sub-Zone  
9 and that is designated a High Impact Business  
10 located in Illinois; provided that dividends  
11 eligible for the deduction provided in subparagraph  
12 (K) of paragraph 2 of this subsection shall not be  
13 eligible for the deduction provided under this  
14 subparagraph (L);

15 (M) For any taxpayer that is a financial  
16 organization within the meaning of Section 304(c) of  
17 this Act, an amount included in such total as  
18 interest income from a loan or loans made by such  
19 taxpayer to a borrower, to the extent that such a  
20 loan is secured by property which is eligible for  
21 the Enterprise Zone Investment Credit. To determine  
22 the portion of a loan or loans that is secured by  
23 property eligible for a Section 201(f) investment  
24 credit to the borrower, the entire principal amount  
25 of the loan or loans between the taxpayer and the  
26 borrower should be divided into the basis of the  
27 Section 201(f) investment credit property which  
28 secures the loan or loans, using for this purpose  
29 the original basis of such property on the date that  
30 it was placed in service in the Enterprise Zone.  
31 The subtraction modification available to taxpayer  
32 in any year under this subsection shall be that  
33 portion of the total interest paid by the borrower  
34 with respect to such loan attributable to the



1 eligible property as calculated under the previous  
2 sentence;

3 (M-1) For any taxpayer that is a financial  
4 organization within the meaning of Section 304(c) of  
5 this Act, an amount included in such total as  
6 interest income from a loan or loans made by such  
7 taxpayer to a borrower, to the extent that such a  
8 loan is secured by property which is eligible for  
9 the High Impact Business Investment Credit. To  
10 determine the portion of a loan or loans that is  
11 secured by property eligible for a Section 201(h)  
12 investment credit to the borrower, the entire  
13 principal amount of the loan or loans between the  
14 taxpayer and the borrower should be divided into the  
15 basis of the Section 201(h) investment credit  
16 property which secures the loan or loans, using for  
17 this purpose the original basis of such property on  
18 the date that it was placed in service in a  
19 federally designated Foreign Trade Zone or Sub-Zone  
20 located in Illinois. No taxpayer that is eligible  
21 for the deduction provided in subparagraph (M) of  
22 paragraph (2) of this subsection shall be eligible  
23 for the deduction provided under this subparagraph  
24 (M-1). The subtraction modification available to  
25 taxpayers in any year under this subsection shall be  
26 that portion of the total interest paid by the  
27 borrower with respect to such loan attributable to  
28 the eligible property as calculated under the  
29 previous sentence;

30 (N) Two times any contribution made during the  
31 taxable year to a designated zone organization to  
32 the extent that the contribution (i) qualifies as a  
33 charitable contribution under subsection (c) of  
34 Section 170 of the Internal Revenue Code and (ii)

1 must, by its terms, be used for a project approved  
2 by the Department of Commerce and Community Affairs  
3 under Section 11 of the Illinois Enterprise Zone  
4 Act;

5 (0) An amount equal to: (i) 85% for taxable  
6 years ending on or before December 31, 1992, or, a  
7 percentage equal to the percentage allowable under  
8 Section 243(a)(1) of the Internal Revenue Code of  
9 1986 for taxable years ending after December 31,  
10 1992, of the amount by which dividends included in  
11 taxable income and received from a corporation that  
12 is not created or organized under the laws of the  
13 United States or any state or political subdivision  
14 thereof, including, for taxable years ending on or  
15 after December 31, 1988, dividends received or  
16 deemed received or paid or deemed paid under  
17 Sections 951 through 964 of the Internal Revenue  
18 Code, exceed the amount of the modification provided  
19 under subparagraph (G) of paragraph (2) of this  
20 subsection (b) which is related to such dividends;  
21 plus (ii) 100% of the amount by which dividends,  
22 included in taxable income and received, including,  
23 for taxable years ending on or after December 31,  
24 1988, dividends received or deemed received or paid  
25 or deemed paid under Sections 951 through 964 of the  
26 Internal Revenue Code, from any such corporation  
27 specified in clause (i) that would but for the  
28 provisions of Section 1504 (b) (3) of the Internal  
29 Revenue Code be treated as a member of the  
30 affiliated group which includes the dividend  
31 recipient, exceed the amount of the modification  
32 provided under subparagraph (G) of paragraph (2) of  
33 this subsection (b) which is related to such  
34 dividends;

1           (P) An amount equal to any contribution made  
2 to a job training project established pursuant to  
3 the Tax Increment Allocation Redevelopment Act;

4           (Q) An amount equal to the amount of the  
5 deduction used to compute the federal income tax  
6 credit for restoration of substantial amounts held  
7 under claim of right for the taxable year pursuant  
8 to Section 1341 of the Internal Revenue Code of  
9 1986;

10          (R) In the case of an attorney-in-fact with  
11 respect to whom an interinsurer or a reciprocal  
12 insurer has made the election under Section 835 of  
13 the Internal Revenue Code, 26 U.S.C. 835, an amount  
14 equal to the excess, if any, of the amounts paid or  
15 incurred by that interinsurer or reciprocal insurer  
16 in the taxable year to the attorney-in-fact over the  
17 deduction allowed to that interinsurer or reciprocal  
18 insurer with respect to the attorney-in-fact under  
19 Section 835(b) of the Internal Revenue Code for the  
20 taxable year;

21          (S) For taxable years ending on or after  
22 December 31, 1997, in the case of a Subchapter S  
23 corporation, an amount equal to all amounts of  
24 income allocable to a shareholder subject to the  
25 Personal Property Tax Replacement Income Tax imposed  
26 by subsections (c) and (d) of Section 201 of this  
27 Act, including amounts allocable to organizations  
28 exempt from federal income tax by reason of Section  
29 501(a) of the Internal Revenue Code. This  
30 subparagraph (S) is exempt from the provisions of  
31 Section 250;

32          (T) For taxable years 2001 and thereafter, for  
33 the taxable year in which the bonus depreciation  
34 deduction (30% of the adjusted basis of the

1 qualified property) is taken on the taxpayer's  
2 federal income tax return under subsection (k) of  
3 Section 168 of the Internal Revenue Code and for  
4 each applicable taxable year thereafter, an amount  
5 equal to "x", where:

6 (1) "y" equals the amount of the  
7 depreciation deduction taken for the taxable  
8 year on the taxpayer's federal income tax  
9 return on property for which the bonus  
10 depreciation deduction (30% of the adjusted  
11 basis of the qualified property) was taken in  
12 any year under subsection (k) of Section 168 of  
13 the Internal Revenue Code, but not including  
14 the bonus depreciation deduction; and

15 (2) "x" equals "y" multiplied by 30 and  
16 then divided by 70 (or "y" multiplied by  
17 0.429).

18 The aggregate amount deducted under this  
19 subparagraph in all taxable years for any one piece  
20 of property may not exceed the amount of the bonus  
21 depreciation deduction (30% of the adjusted basis of  
22 the qualified property) taken on that property on  
23 the taxpayer's federal income tax return under  
24 subsection (k) of Section 168 of the Internal  
25 Revenue Code; and

26 (U) If the taxpayer reports a capital gain or  
27 loss on the taxpayer's federal income tax return for  
28 the taxable year based on a sale or transfer of  
29 property for which the taxpayer was required in any  
30 taxable year to make an addition modification under  
31 subparagraph (E-10), then an amount equal to that  
32 addition modification.

33 The taxpayer is allowed to take the deduction  
34 under this subparagraph only once with respect to

1 any one piece of property.

2 (3) Special rule. For purposes of paragraph (2)  
3 (A), "gross income" in the case of a life insurance  
4 company, for tax years ending on and after December 31,  
5 1994, shall mean the gross investment income for the  
6 taxable year.

7 (c) Trusts and estates.

8 (1) In general. In the case of a trust or estate,  
9 base income means an amount equal to the taxpayer's  
10 taxable income for the taxable year as modified by  
11 paragraph (2).

12 (2) Modifications. Subject to the provisions of  
13 paragraph (3), the taxable income referred to in  
14 paragraph (1) shall be modified by adding thereto the sum  
15 of the following amounts:

16 (A) An amount equal to all amounts paid or  
17 accrued to the taxpayer as interest or dividends  
18 during the taxable year to the extent excluded from  
19 gross income in the computation of taxable income;

20 (B) In the case of (i) an estate, \$600; (ii) a  
21 trust which, under its governing instrument, is  
22 required to distribute all of its income currently,  
23 \$300; and (iii) any other trust, \$100, but in each  
24 such case, only to the extent such amount was  
25 deducted in the computation of taxable income;

26 (C) An amount equal to the amount of tax  
27 imposed by this Act to the extent deducted from  
28 gross income in the computation of taxable income  
29 for the taxable year;

30 (D) The amount of any net operating loss  
31 deduction taken in arriving at taxable income, other  
32 than a net operating loss carried forward from a  
33 taxable year ending prior to December 31, 1986;

34 (E) For taxable years in which a net operating

1 loss carryback or carryforward from a taxable year  
2 ending prior to December 31, 1986 is an element of  
3 taxable income under paragraph (1) of subsection (e)  
4 or subparagraph (E) of paragraph (2) of subsection  
5 (e), the amount by which addition modifications  
6 other than those provided by this subparagraph (E)  
7 exceeded subtraction modifications in such taxable  
8 year, with the following limitations applied in the  
9 order that they are listed:

10 (i) the addition modification relating to  
11 the net operating loss carried back or forward  
12 to the taxable year from any taxable year  
13 ending prior to December 31, 1986 shall be  
14 reduced by the amount of addition modification  
15 under this subparagraph (E) which related to  
16 that net operating loss and which was taken  
17 into account in calculating the base income of  
18 an earlier taxable year, and

19 (ii) the addition modification relating  
20 to the net operating loss carried back or  
21 forward to the taxable year from any taxable  
22 year ending prior to December 31, 1986 shall  
23 not exceed the amount of such carryback or  
24 carryforward;

25 For taxable years in which there is a net  
26 operating loss carryback or carryforward from more  
27 than one other taxable year ending prior to December  
28 31, 1986, the addition modification provided in this  
29 subparagraph (E) shall be the sum of the amounts  
30 computed independently under the preceding  
31 provisions of this subparagraph (E) for each such  
32 taxable year;

33 (F) For taxable years ending on or after  
34 January 1, 1989, an amount equal to the tax deducted

1           pursuant to Section 164 of the Internal Revenue Code  
2           if the trust or estate is claiming the same tax for  
3           purposes of the Illinois foreign tax credit under  
4           Section 601 of this Act;

5           (G) An amount equal to the amount of the  
6           capital gain deduction allowable under the Internal  
7           Revenue Code, to the extent deducted from gross  
8           income in the computation of taxable income;

9           (G-5) For taxable years ending after December  
10          31, 1997, an amount equal to any eligible  
11          remediation costs that the trust or estate deducted  
12          in computing adjusted gross income and for which the  
13          trust or estate claims a credit under subsection (l)  
14          of Section 201;

15          (G-10) For taxable years 2001 and thereafter,  
16          an amount equal to the bonus depreciation deduction  
17          (30% of the adjusted basis of the qualified  
18          property) taken on the taxpayer's federal income tax  
19          return for the taxable year under subsection (k) of  
20          Section 168 of the Internal Revenue Code; and

21          (G-11) If the taxpayer reports a capital gain  
22          or loss on the taxpayer's federal income tax return  
23          for the taxable year based on a sale or transfer of  
24          property for which the taxpayer was required in any  
25          taxable year to make an addition modification under  
26          subparagraph (G-10), then an amount equal to the  
27          aggregate amount of the deductions taken in all  
28          taxable years under subparagraph (R) with respect to  
29          that property.†

30          The taxpayer is required to make the addition  
31          modification under this subparagraph only once with  
32          respect to any one piece of property;

33          and by deducting from the total so obtained the sum of  
34          the following amounts:

1           (H) An amount equal to all amounts included in  
2 such total pursuant to the provisions of Sections  
3 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and  
4 408 of the Internal Revenue Code or included in such  
5 total as distributions under the provisions of any  
6 retirement or disability plan for employees of any  
7 governmental agency or unit, or retirement payments  
8 to retired partners, which payments are excluded in  
9 computing net earnings from self employment by  
10 Section 1402 of the Internal Revenue Code and  
11 regulations adopted pursuant thereto;

12           (I) The valuation limitation amount;

13           (J) An amount equal to the amount of any tax  
14 imposed by this Act which was refunded to the  
15 taxpayer and included in such total for the taxable  
16 year;

17           (K) An amount equal to all amounts included in  
18 taxable income as modified by subparagraphs (A),  
19 (B), (C), (D), (E), (F) and (G) which are exempt  
20 from taxation by this State either by reason of its  
21 statutes or Constitution or by reason of the  
22 Constitution, treaties or statutes of the United  
23 States; provided that, in the case of any statute of  
24 this State that exempts income derived from bonds or  
25 other obligations from the tax imposed under this  
26 Act, the amount exempted shall be the interest net  
27 of bond premium amortization;

28           (L) With the exception of any amounts  
29 subtracted under subparagraph (K), an amount equal  
30 to the sum of all amounts disallowed as deductions  
31 by (i) Sections 171(a) (2) and 265(a)(2) of the  
32 Internal Revenue Code, as now or hereafter amended,  
33 and all amounts of expenses allocable to interest  
34 and disallowed as deductions by Section 265(1) of



1 the Internal Revenue Code of 1954, as now or  
2 hereafter amended; and (ii) for taxable years ending  
3 on or after August 13, 1999, Sections 171(a)(2),  
4 265, 280C, and 832(b)(5)(B)(i) of the Internal  
5 Revenue Code; the provisions of this subparagraph  
6 are exempt from the provisions of Section 250;

7 (M) An amount equal to those dividends  
8 included in such total which were paid by a  
9 corporation which conducts business operations in an  
10 Enterprise Zone or zones created under the Illinois  
11 Enterprise Zone Act and conducts substantially all  
12 of its operations in an Enterprise Zone or Zones;

13 (N) An amount equal to any contribution made  
14 to a job training project established pursuant to  
15 the Tax Increment Allocation Redevelopment Act;

16 (O) An amount equal to those dividends  
17 included in such total that were paid by a  
18 corporation that conducts business operations in a  
19 federally designated Foreign Trade Zone or Sub-Zone  
20 and that is designated a High Impact Business  
21 located in Illinois; provided that dividends  
22 eligible for the deduction provided in subparagraph  
23 (M) of paragraph (2) of this subsection shall not be  
24 eligible for the deduction provided under this  
25 subparagraph (O);

26 (P) An amount equal to the amount of the  
27 deduction used to compute the federal income tax  
28 credit for restoration of substantial amounts held  
29 under claim of right for the taxable year pursuant  
30 to Section 1341 of the Internal Revenue Code of  
31 1986;

32 (Q) For taxable year 1999 and thereafter, an  
33 amount equal to the amount of any (i) distributions,  
34 to the extent includible in gross income for federal

1 income tax purposes, made to the taxpayer because of  
2 his or her status as a victim of persecution for  
3 racial or religious reasons by Nazi Germany or any  
4 other Axis regime or as an heir of the victim and  
5 (ii) items of income, to the extent includible in  
6 gross income for federal income tax purposes,  
7 attributable to, derived from or in any way related  
8 to assets stolen from, hidden from, or otherwise  
9 lost to a victim of persecution for racial or  
10 religious reasons by Nazi Germany or any other Axis  
11 regime immediately prior to, during, and immediately  
12 after World War II, including, but not limited to,  
13 interest on the proceeds receivable as insurance  
14 under policies issued to a victim of persecution for  
15 racial or religious reasons by Nazi Germany or any  
16 other Axis regime by European insurance companies  
17 immediately prior to and during World War II;  
18 provided, however, this subtraction from federal  
19 adjusted gross income does not apply to assets  
20 acquired with such assets or with the proceeds from  
21 the sale of such assets; provided, further, this  
22 paragraph shall only apply to a taxpayer who was the  
23 first recipient of such assets after their recovery  
24 and who is a victim of persecution for racial or  
25 religious reasons by Nazi Germany or any other Axis  
26 regime or as an heir of the victim. The amount of  
27 and the eligibility for any public assistance,  
28 benefit, or similar entitlement is not affected by  
29 the inclusion of items (i) and (ii) of this  
30 paragraph in gross income for federal income tax  
31 purposes. This paragraph is exempt from the  
32 provisions of Section 250;

33 (R) For taxable years 2001 and thereafter, for  
34 the taxable year in which the bonus depreciation

1 deduction (30% of the adjusted basis of the  
2 qualified property) is taken on the taxpayer's  
3 federal income tax return under subsection (k) of  
4 Section 168 of the Internal Revenue Code and for  
5 each applicable taxable year thereafter, an amount  
6 equal to "x", where:

7 (1) "y" equals the amount of the  
8 depreciation deduction taken for the taxable  
9 year on the taxpayer's federal income tax  
10 return on property for which the bonus  
11 depreciation deduction (30% of the adjusted  
12 basis of the qualified property) was taken in  
13 any year under subsection (k) of Section 168 of  
14 the Internal Revenue Code, but not including  
15 the bonus depreciation deduction; and

16 (2) "x" equals "y" multiplied by 30 and  
17 then divided by 70 (or "y" multiplied by  
18 0.429).

19 The aggregate amount deducted under this  
20 subparagraph in all taxable years for any one piece  
21 of property may not exceed the amount of the bonus  
22 depreciation deduction (30% of the adjusted basis of  
23 the qualified property) taken on that property on  
24 the taxpayer's federal income tax return under  
25 subsection (k) of Section 168 of the Internal  
26 Revenue Code; and

27 (S) If the taxpayer reports a capital gain or  
28 loss on the taxpayer's federal income tax return for  
29 the taxable year based on a sale or transfer of  
30 property for which the taxpayer was required in any  
31 taxable year to make an addition modification under  
32 subparagraph (G-10), then an amount equal to that  
33 addition modification.

34 The taxpayer is allowed to take the deduction

1 under this subparagraph only once with respect to  
2 any one piece of property.

3 (3) Limitation. The amount of any modification  
4 otherwise required under this subsection shall, under  
5 regulations prescribed by the Department, be adjusted by  
6 any amounts included therein which were properly paid,  
7 credited, or required to be distributed, or permanently  
8 set aside for charitable purposes pursuant to Internal  
9 Revenue Code Section 642(c) during the taxable year.

10 (d) Partnerships.

11 (1) In general. In the case of a partnership, base  
12 income means an amount equal to the taxpayer's taxable  
13 income for the taxable year as modified by paragraph (2).

14 (2) Modifications. The taxable income referred to  
15 in paragraph (1) shall be modified by adding thereto the  
16 sum of the following amounts:

17 (A) An amount equal to all amounts paid or  
18 accrued to the taxpayer as interest or dividends  
19 during the taxable year to the extent excluded from  
20 gross income in the computation of taxable income;

21 (B) An amount equal to the amount of tax  
22 imposed by this Act to the extent deducted from  
23 gross income for the taxable year;

24 (C) The amount of deductions allowed to the  
25 partnership pursuant to Section 707 (c) of the  
26 Internal Revenue Code in calculating its taxable  
27 income;

28 (D) An amount equal to the amount of the  
29 capital gain deduction allowable under the Internal  
30 Revenue Code, to the extent deducted from gross  
31 income in the computation of taxable income;

32 (D-5) For taxable years 2001 and thereafter,  
33 an amount equal to the bonus depreciation deduction  
34 (30% of the adjusted basis of the qualified

1 property) taken on the taxpayer's federal income tax  
2 return for the taxable year under subsection (k) of  
3 Section 168 of the Internal Revenue Code; and

4 (D-6) If the taxpayer reports a capital gain  
5 or loss on the taxpayer's federal income tax return  
6 for the taxable year based on a sale or transfer of  
7 property for which the taxpayer was required in any  
8 taxable year to make an addition modification under  
9 subparagraph (D-5), then an amount equal to the  
10 aggregate amount of the deductions taken in all  
11 taxable years under subparagraph (O) with respect to  
12 that property.†

13 The taxpayer is required to make the addition  
14 modification under this subparagraph only once with  
15 respect to any one piece of property;

16 and by deducting from the total so obtained the following  
17 amounts:

18 (E) The valuation limitation amount;

19 (F) An amount equal to the amount of any tax  
20 imposed by this Act which was refunded to the  
21 taxpayer and included in such total for the taxable  
22 year;

23 (G) An amount equal to all amounts included in  
24 taxable income as modified by subparagraphs (A),  
25 (B), (C) and (D) which are exempt from taxation by  
26 this State either by reason of its statutes or  
27 Constitution or by reason of the Constitution,  
28 treaties or statutes of the United States; provided  
29 that, in the case of any statute of this State that  
30 exempts income derived from bonds or other  
31 obligations from the tax imposed under this Act, the  
32 amount exempted shall be the interest net of bond  
33 premium amortization;

34 (H) Any income of the partnership which

1 constitutes personal service income as defined in  
2 Section 1348 (b) (1) of the Internal Revenue Code  
3 (as in effect December 31, 1981) or a reasonable  
4 allowance for compensation paid or accrued for  
5 services rendered by partners to the partnership,  
6 whichever is greater;

7 (I) An amount equal to all amounts of income  
8 distributable to an entity subject to the Personal  
9 Property Tax Replacement Income Tax imposed by  
10 subsections (c) and (d) of Section 201 of this Act  
11 including amounts distributable to organizations  
12 exempt from federal income tax by reason of Section  
13 501(a) of the Internal Revenue Code;

14 (J) With the exception of any amounts  
15 subtracted under subparagraph (G), an amount equal  
16 to the sum of all amounts disallowed as deductions  
17 by (i) Sections 171(a) (2), and 265(2) of the  
18 Internal Revenue Code of 1954, as now or hereafter  
19 amended, and all amounts of expenses allocable to  
20 interest and disallowed as deductions by Section  
21 265(1) of the Internal Revenue Code, as now or  
22 hereafter amended; and (ii) for taxable years ending  
23 on or after August 13, 1999, Sections 171(a)(2),  
24 265, 280C, and 832(b)(5)(B)(i) of the Internal  
25 Revenue Code; the provisions of this subparagraph  
26 are exempt from the provisions of Section 250;

27 (K) An amount equal to those dividends  
28 included in such total which were paid by a  
29 corporation which conducts business operations in an  
30 Enterprise Zone or zones created under the Illinois  
31 Enterprise Zone Act, enacted by the 82nd General  
32 Assembly, and conducts substantially all of its  
33 operations in an Enterprise Zone or Zones;

34 (L) An amount equal to any contribution made

1 to a job training project established pursuant to  
2 the Real Property Tax Increment Allocation  
3 Redevelopment Act;

4 (M) An amount equal to those dividends  
5 included in such total that were paid by a  
6 corporation that conducts business operations in a  
7 federally designated Foreign Trade Zone or Sub-Zone  
8 and that is designated a High Impact Business  
9 located in Illinois; provided that dividends  
10 eligible for the deduction provided in subparagraph  
11 (K) of paragraph (2) of this subsection shall not be  
12 eligible for the deduction provided under this  
13 subparagraph (M);

14 (N) An amount equal to the amount of the  
15 deduction used to compute the federal income tax  
16 credit for restoration of substantial amounts held  
17 under claim of right for the taxable year pursuant  
18 to Section 1341 of the Internal Revenue Code of  
19 1986;

20 (O) For taxable years 2001 and thereafter, for  
21 the taxable year in which the bonus depreciation  
22 deduction (30% of the adjusted basis of the  
23 qualified property) is taken on the taxpayer's  
24 federal income tax return under subsection (k) of  
25 Section 168 of the Internal Revenue Code and for  
26 each applicable taxable year thereafter, an amount  
27 equal to "x", where:

28 (1) "y" equals the amount of the  
29 depreciation deduction taken for the taxable  
30 year on the taxpayer's federal income tax  
31 return on property for which the bonus  
32 depreciation deduction (30% of the adjusted  
33 basis of the qualified property) was taken in  
34 any year under subsection (k) of Section 168 of

1 the Internal Revenue Code, but not including  
2 the bonus depreciation deduction; and

3 (2) "x" equals "y" multiplied by 30 and  
4 then divided by 70 (or "y" multiplied by  
5 0.429).

6 The aggregate amount deducted under this  
7 subparagraph in all taxable years for any one piece  
8 of property may not exceed the amount of the bonus  
9 depreciation deduction (30% of the adjusted basis of  
10 the qualified property) taken on that property on  
11 the taxpayer's federal income tax return under  
12 subsection (k) of Section 168 of the Internal  
13 Revenue Code; and

14 (P) If the taxpayer reports a capital gain or  
15 loss on the taxpayer's federal income tax return for  
16 the taxable year based on a sale or transfer of  
17 property for which the taxpayer was required in any  
18 taxable year to make an addition modification under  
19 subparagraph (D-5), then an amount equal to that  
20 addition modification.

21 The taxpayer is allowed to take the deduction  
22 under this subparagraph only once with respect to  
23 any one piece of property.

24 (e) Gross income; adjusted gross income; taxable income.

25 (1) In general. Subject to the provisions of  
26 paragraph (2) and subsection (b) (3), for purposes of  
27 this Section and Section 803(e), a taxpayer's gross  
28 income, adjusted gross income, or taxable income for the  
29 taxable year shall mean the amount of gross income,  
30 adjusted gross income or taxable income properly  
31 reportable for federal income tax purposes for the  
32 taxable year under the provisions of the Internal Revenue  
33 Code. Taxable income may be less than zero. However, for  
34 taxable years ending on or after December 31, 1986, net



1 operating loss carryforwards from taxable years ending  
2 prior to December 31, 1986, may not exceed the sum of  
3 federal taxable income for the taxable year before net  
4 operating loss deduction, plus the excess of addition  
5 modifications over subtraction modifications for the  
6 taxable year. For taxable years ending prior to December  
7 31, 1986, taxable income may never be an amount in excess  
8 of the net operating loss for the taxable year as defined  
9 in subsections (c) and (d) of Section 172 of the Internal  
10 Revenue Code, provided that when taxable income of a  
11 corporation (other than a Subchapter S corporation),  
12 trust, or estate is less than zero and addition  
13 modifications, other than those provided by subparagraph  
14 (E) of paragraph (2) of subsection (b) for corporations  
15 or subparagraph (E) of paragraph (2) of subsection (c)  
16 for trusts and estates, exceed subtraction modifications,  
17 an addition modification must be made under those  
18 subparagraphs for any other taxable year to which the  
19 taxable income less than zero (net operating loss) is  
20 applied under Section 172 of the Internal Revenue Code or  
21 under subparagraph (E) of paragraph (2) of this  
22 subsection (e) applied in conjunction with Section 172 of  
23 the Internal Revenue Code.

24 (2) Special rule. For purposes of paragraph (1) of  
25 this subsection, the taxable income properly reportable  
26 for federal income tax purposes shall mean:

27 (A) Certain life insurance companies. In the  
28 case of a life insurance company subject to the tax  
29 imposed by Section 801 of the Internal Revenue Code,  
30 life insurance company taxable income, plus the  
31 amount of distribution from pre-1984 policyholder  
32 surplus accounts as calculated under Section 815a of  
33 the Internal Revenue Code;

34 (B) Certain other insurance companies. In the

1 case of mutual insurance companies subject to the  
2 tax imposed by Section 831 of the Internal Revenue  
3 Code, insurance company taxable income;

4 (C) Regulated investment companies. In the  
5 case of a regulated investment company subject to  
6 the tax imposed by Section 852 of the Internal  
7 Revenue Code, investment company taxable income;

8 (D) Real estate investment trusts. In the  
9 case of a real estate investment trust subject to  
10 the tax imposed by Section 857 of the Internal  
11 Revenue Code, real estate investment trust taxable  
12 income;

13 (E) Consolidated corporations. In the case of  
14 a corporation which is a member of an affiliated  
15 group of corporations filing a consolidated income  
16 tax return for the taxable year for federal income  
17 tax purposes, taxable income determined as if such  
18 corporation had filed a separate return for federal  
19 income tax purposes for the taxable year and each  
20 preceding taxable year for which it was a member of  
21 an affiliated group. For purposes of this  
22 subparagraph, the taxpayer's separate taxable income  
23 shall be determined as if the election provided by  
24 Section 243(b) (2) of the Internal Revenue Code had  
25 been in effect for all such years;

26 (F) Cooperatives. In the case of a  
27 cooperative corporation or association, the taxable  
28 income of such organization determined in accordance  
29 with the provisions of Section 1381 through 1388 of  
30 the Internal Revenue Code;

31 (G) Subchapter S corporations. In the case  
32 of: (i) a Subchapter S corporation for which there  
33 is in effect an election for the taxable year under  
34 Section 1362 of the Internal Revenue Code, the

1 taxable income of such corporation determined in  
2 accordance with Section 1363(b) of the Internal  
3 Revenue Code, except that taxable income shall take  
4 into account those items which are required by  
5 Section 1363(b)(1) of the Internal Revenue Code to  
6 be separately stated; and (ii) a Subchapter S  
7 corporation for which there is in effect a federal  
8 election to opt out of the provisions of the  
9 Subchapter S Revision Act of 1982 and have applied  
10 instead the prior federal Subchapter S rules as in  
11 effect on July 1, 1982, the taxable income of such  
12 corporation determined in accordance with the  
13 federal Subchapter S rules as in effect on July 1,  
14 1982; and

15 (H) Partnerships. In the case of a  
16 partnership, taxable income determined in accordance  
17 with Section 703 of the Internal Revenue Code,  
18 except that taxable income shall take into account  
19 those items which are required by Section 703(a)(1)  
20 to be separately stated but which would be taken  
21 into account by an individual in calculating his  
22 taxable income.

23 (f) Valuation limitation amount.

24 (1) In general. The valuation limitation amount  
25 referred to in subsections (a) (2) (G), (c) (2) (I) and  
26 (d)(2) (E) is an amount equal to:

27 (A) The sum of the pre-August 1, 1969  
28 appreciation amounts (to the extent consisting of  
29 gain reportable under the provisions of Section 1245  
30 or 1250 of the Internal Revenue Code) for all  
31 property in respect of which such gain was reported  
32 for the taxable year; plus

33 (B) The lesser of (i) the sum of the  
34 pre-August 1, 1969 appreciation amounts (to the

1 extent consisting of capital gain) for all property  
2 in respect of which such gain was reported for  
3 federal income tax purposes for the taxable year, or  
4 (ii) the net capital gain for the taxable year,  
5 reduced in either case by any amount of such gain  
6 included in the amount determined under subsection  
7 (a) (2) (F) or (c) (2) (H).

8 (2) Pre-August 1, 1969 appreciation amount.

9 (A) If the fair market value of property  
10 referred to in paragraph (1) was readily  
11 ascertainable on August 1, 1969, the pre-August 1,  
12 1969 appreciation amount for such property is the  
13 lesser of (i) the excess of such fair market value  
14 over the taxpayer's basis (for determining gain) for  
15 such property on that date (determined under the  
16 Internal Revenue Code as in effect on that date), or  
17 (ii) the total gain realized and reportable for  
18 federal income tax purposes in respect of the sale,  
19 exchange or other disposition of such property.

20 (B) If the fair market value of property  
21 referred to in paragraph (1) was not readily  
22 ascertainable on August 1, 1969, the pre-August 1,  
23 1969 appreciation amount for such property is that  
24 amount which bears the same ratio to the total gain  
25 reported in respect of the property for federal  
26 income tax purposes for the taxable year, as the  
27 number of full calendar months in that part of the  
28 taxpayer's holding period for the property ending  
29 July 31, 1969 bears to the number of full calendar  
30 months in the taxpayer's entire holding period for  
31 the property.

32 (C) The Department shall prescribe such  
33 regulations as may be necessary to carry out the  
34 purposes of this paragraph.

1 (g) Double deductions. Unless specifically provided  
 2 otherwise, nothing in this Section shall permit the same item  
 3 to be deducted more than once.

4 (h) Legislative intention. Except as expressly provided  
 5 by this Section there shall be no modifications or  
 6 limitations on the amounts of income, gain, loss or deduction  
 7 taken into account in determining gross income, adjusted  
 8 gross income or taxable income for federal income tax  
 9 purposes for the taxable year, or in the amount of such items  
 10 entering into the computation of base income and net income  
 11 under this Act for such taxable year, whether in respect of  
 12 property values as of August 1, 1969 or otherwise.

13 (Source: P.A. 91-192, eff. 7-20-99; 91-205, eff. 7-20-99;  
 14 91-357, eff. 7-29-99; 91-541, eff. 8-13-99; 91-676, eff.  
 15 12-23-99; 91-845, eff. 6-22-00; 91-913, eff. 1-1-01; 92-16,  
 16 eff. 6-28-01; 92-244, eff. 8-3-01; 92-439, eff. 8-17-01;  
 17 92-603, eff. 6-28-02; 92-626, eff. 7-11-02; 92-651, eff.  
 18 7-11-02; 92-846, eff. 8-23-02; revised 11-15-02.)

19 (35 ILCS 5/509) (from Ch. 120, par. 5-509)

20 Sec. 509. Tax checkoff explanations. All individual  
 21 income tax return forms shall contain appropriate  
 22 explanations and spaces to enable the taxpayers to designate  
 23 contributions to the following funds: the Child Abuse  
 24 Prevention Fund, ~~to~~ the Illinois Wildlife Preservation Fund  
 25 (as required by the Illinois Non-Game Wildlife Protection  
 26 Act), ~~to~~ the Alzheimer's Disease Research Fund (as required  
 27 by the Alzheimer's Disease Research Act), ~~to~~ the Assistance  
 28 to the Homeless Fund (as required by this Act), ~~to~~ the Penny  
 29 Severns Breast and Cervical Cancer Research Fund, ~~to~~ the  
 30 National World War II Memorial Fund, ~~to~~ the Prostate Cancer  
 31 Research Fund, ~~to~~ the Illinois Military Family Relief Fund,  
 32 and the Multiple Sclerosis Assistance Fund, and ~~to~~ the Korean  
 33 War Veterans National Museum and Library Fund.

1 Each form shall contain a statement that the  
2 contributions will reduce the taxpayer's refund or increase  
3 the amount of payment to accompany the return. Failure to  
4 remit any amount of increased payment shall reduce the  
5 contribution accordingly.

6 If, on October 1 of any year, the total contributions to  
7 any one of the funds made under this Section do not equal  
8 \$100,000 or more, the explanations and spaces for designating  
9 contributions to the fund shall be removed from the  
10 individual income tax return forms for the following and all  
11 subsequent years and all subsequent contributions to the fund  
12 shall be refunded to the taxpayer.

13 (Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99;  
14 91-357, eff. 7-29-99; 91-833, eff. 1-1-01; 91-836, eff.  
15 1-1-01; 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651, eff.  
16 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; revised  
17 2-17-03.)

18 (35 ILCS 5/510) (from Ch. 120, par. 5-510)

19 Sec. 510. Determination of amounts contributed. The  
20 Department shall determine the total amount contributed to  
21 each of the following: the Child Abuse Prevention Fund, the  
22 Illinois Wildlife Preservation Fund, the Assistance to the  
23 Homeless Fund, the Alzheimer's Disease Research Fund, the  
24 Penny Severns Breast and Cervical Cancer Research Fund, the  
25 National World War II Memorial Fund, the Prostate Cancer  
26 Research Fund, ~~to~~ the Illinois Military Family Relief Fund,  
27 and the Multiple Sclerosis Assistance Fund, and the Korean  
28 War Veterans National Museum and Library Fund; and shall  
29 notify the State Comptroller and the State Treasurer of the  
30 amounts to be transferred from the General Revenue Fund to  
31 each fund, and upon receipt of such notification the State  
32 Treasurer and Comptroller shall transfer the amounts.

33 (Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99;

1 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-84, eff. 7-1-02;  
2 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 92-772, eff.  
3 8-6-02; 92-886, eff. 2-7-03; revised 2-17-03.)

4 Section 17. The Service Occupation Tax Act is amended by  
5 changing Section 2 as follows:

6 (35 ILCS 115/2) (from Ch. 120, par. 439.102)

7 Sec. 2. "Transfer" means any transfer of the title to  
8 property or of the ownership of property whether or not the  
9 transferor retains title as security for the payment of  
10 amounts due him from the transferee.

11 "Cost Price" means the consideration paid by the  
12 serviceman for a purchase valued in money, whether paid in  
13 money or otherwise, including cash, credits and services, and  
14 shall be determined without any deduction on account of the  
15 supplier's cost of the property sold or on account of any  
16 other expense incurred by the supplier. When a serviceman  
17 contracts out part or all of the services required in his  
18 sale of service, it shall be presumed that the cost price to  
19 the serviceman of the property transferred to him by his or  
20 her subcontractor is equal to 50% of the subcontractor's  
21 charges to the serviceman in the absence of proof of the  
22 consideration paid by the subcontractor for the purchase of  
23 such property.

24 "Department" means the Department of Revenue.

25 "Person" means any natural individual, firm, partnership,  
26 association, joint stock company, joint venture, public or  
27 private corporation, limited liability company, and any  
28 receiver, executor, trustee, guardian or other representative  
29 appointed by order of any court.

30 "Sale of Service" means any transaction except:

31 (a) A retail sale of tangible personal property taxable  
32 under the Retailers' Occupation Tax Act or under the Use Tax

1 Act.

2 (b) A sale of tangible personal property for the purpose  
3 of resale made in compliance with Section 2c of the  
4 Retailers' Occupation Tax Act.

5 (c) Except as hereinafter provided, a sale or transfer  
6 of tangible personal property as an incident to the rendering  
7 of service for or by any governmental body or for or by any  
8 corporation, society, association, foundation or institution  
9 organized and operated exclusively for charitable, religious  
10 or educational purposes or any not-for-profit corporation,  
11 society, association, foundation, institution or organization  
12 which has no compensated officers or employees and which is  
13 organized and operated primarily for the recreation of  
14 persons 55 years of age or older. A limited liability company  
15 may qualify for the exemption under this paragraph only if  
16 the limited liability company is organized and operated  
17 exclusively for educational purposes.

18 (d) A sale or transfer of tangible personal property as  
19 an incident to the rendering of service for interstate  
20 carriers for hire for use as rolling stock moving in  
21 interstate commerce or lessors under leases of one year or  
22 longer, executed or in effect at the time of purchase, to  
23 interstate carriers for hire for use as rolling stock moving  
24 in interstate commerce, and equipment operated by a  
25 telecommunications provider, licensed as a common carrier by  
26 the Federal Communications Commission, which is permanently  
27 installed in or affixed to aircraft moving in interstate  
28 commerce.

29 (d-1) A sale or transfer of tangible personal property  
30 as an incident to the rendering of service for owners,  
31 lessors or shippers of tangible personal property which is  
32 utilized by interstate carriers for hire for use as rolling  
33 stock moving in interstate commerce, and equipment operated  
34 by a telecommunications provider, licensed as a common



1 carrier by the Federal Communications Commission, which is  
2 permanently installed in or affixed to aircraft moving in  
3 interstate commerce.

4 (d-2) The repairing, reconditioning or remodeling, for a  
5 common carrier by rail, of tangible personal property which  
6 belongs to such carrier for hire, and as to which such  
7 carrier receives the physical possession of the repaired,  
8 reconditioned or remodeled item of tangible personal property  
9 in Illinois, and which such carrier transports, or shares  
10 with another common carrier in the transportation of such  
11 property, out of Illinois on a standard uniform bill of  
12 lading showing the person who repaired, reconditioned or  
13 remodeled the property as the shipper or consignor of such  
14 property to a destination outside Illinois, for use outside  
15 Illinois.

16 (d-3) A sale or transfer of tangible personal property  
17 which is produced by the seller thereof on special order in  
18 such a way as to have made the applicable tax the Service  
19 Occupation Tax or the Service Use Tax, rather than the  
20 Retailers' Occupation Tax or the Use Tax, for an interstate  
21 carrier by rail which receives the physical possession of  
22 such property in Illinois, and which transports such  
23 property, or shares with another common carrier in the  
24 transportation of such property, out of Illinois on a  
25 standard uniform bill of lading showing the seller of the  
26 property as the shipper or consignor of such property to a  
27 destination outside Illinois, for use outside Illinois.

28 (d-4) Until January 1, 1997, a sale, by a registered  
29 serviceman paying tax under this Act to the Department, of  
30 special order printed materials delivered outside Illinois  
31 and which are not returned to this State, if delivery is made  
32 by the seller or agent of the seller, including an agent who  
33 causes the product to be delivered outside Illinois by a  
34 common carrier or the U.S. postal service.

1 (e) A sale or transfer of machinery and equipment used  
2 primarily in the process of the manufacturing or assembling,  
3 either in an existing, an expanded or a new manufacturing  
4 facility, of tangible personal property for wholesale or  
5 retail sale or lease, whether such sale or lease is made  
6 directly by the manufacturer or by some other person, whether  
7 the materials used in the process are owned by the  
8 manufacturer or some other person, or whether such sale or  
9 lease is made apart from or as an incident to the seller's  
10 engaging in a service occupation and the applicable tax is a  
11 Service Occupation Tax or Service Use Tax, rather than  
12 Retailers' Occupation Tax or Use Tax.

13 (f) The sale or transfer of distillation machinery and  
14 equipment, sold as a unit or kit and assembled or installed  
15 by the retailer, which machinery and equipment is certified  
16 by the user to be used only for the production of ethyl  
17 alcohol that will be used for consumption as motor fuel or as  
18 a component of motor fuel for the personal use of such user  
19 and not subject to sale or resale.

20 (g) At the election of any serviceman not required to be  
21 otherwise registered as a retailer under Section 2a of the  
22 Retailers' Occupation Tax Act, made for each fiscal year  
23 sales of service in which the aggregate annual cost price of  
24 tangible personal property transferred as an incident to the  
25 sales of service is less than 35% (75% in the case of  
26 servicemen transferring prescription drugs or servicemen  
27 engaged in graphic arts production) of the aggregate annual  
28 total gross receipts from all sales of service. The purchase  
29 of such tangible personal property by the serviceman shall be  
30 subject to tax under the Retailers' Occupation Tax Act and  
31 the Use Tax Act. However, if a primary serviceman who has  
32 made the election described in this paragraph subcontracts  
33 service work to a secondary serviceman who has also made the  
34 election described in this paragraph, the primary serviceman

1 does not incur a Use Tax liability if the secondary  
2 serviceman (i) has paid or will pay Use Tax on his or her  
3 cost price of any tangible personal property transferred to  
4 the primary serviceman and (ii) certifies that fact in  
5 writing to the primary serviceman.

6 Tangible personal property transferred incident to the  
7 completion of a maintenance agreement is exempt from the tax  
8 imposed pursuant to this Act.

9 Exemption (e) also includes machinery and equipment used  
10 in the general maintenance or repair of such exempt machinery  
11 and equipment or for in-house manufacture of exempt machinery  
12 and equipment. For the purposes of exemption (e), each of  
13 these terms shall have the following meanings: (1)  
14 "manufacturing process" shall mean the production of any  
15 article of tangible personal property, whether such article  
16 is a finished product or an article for use in the process of  
17 manufacturing or assembling a different article of tangible  
18 personal property, by procedures commonly regarded as  
19 manufacturing, processing, fabricating, or refining which  
20 changes some existing material or materials into a material  
21 with a different form, use or name. In relation to a  
22 recognized integrated business composed of a series of  
23 operations which collectively constitute manufacturing, or  
24 individually constitute manufacturing operations, the  
25 manufacturing process shall be deemed to commence with the  
26 first operation or stage of production in the series, and  
27 shall not be deemed to end until the completion of the final  
28 product in the last operation or stage of production in the  
29 series; and further for purposes of exemption (e),  
30 photoprocessing is deemed to be a manufacturing process of  
31 tangible personal property for wholesale or retail sale; (2)  
32 "assembling process" shall mean the production of any article  
33 of tangible personal property, whether such article is a  
34 finished product or an article for use in the process of

1 manufacturing or assembling a different article of tangible  
2 personal property, by the combination of existing materials  
3 in a manner commonly regarded as assembling which results in  
4 a material of a different form, use or name; (3) "machinery"  
5 shall mean major mechanical machines or major components of  
6 such machines contributing to a manufacturing or assembling  
7 process; and (4) "equipment" shall include any independent  
8 device or tool separate from any machinery but essential to  
9 an integrated manufacturing or assembly process; including  
10 computers used primarily in a manufacturer's ~~manufaeuturer's~~  
11 computer assisted design, computer assisted manufacturing  
12 (CAD/CAM) system; or any subunit or assembly comprising a  
13 component of any machinery or auxiliary, adjunct or  
14 attachment parts of machinery, such as tools, dies, jigs,  
15 fixtures, patterns and molds; or any parts which require  
16 periodic replacement in the course of normal operation; but  
17 shall not include hand tools. Equipment includes chemicals  
18 or chemicals acting as catalysts but only if the chemicals or  
19 chemicals acting as catalysts effect a direct and immediate  
20 change upon a product being manufactured or assembled for  
21 wholesale or retail sale or lease. The purchaser of such  
22 machinery and equipment who has an active resale registration  
23 number shall furnish such number to the seller at the time of  
24 purchase. The purchaser of such machinery and equipment and  
25 tools without an active resale registration number shall  
26 furnish to the seller a certificate of exemption for each  
27 transaction stating facts establishing the exemption for that  
28 transaction, which certificate shall be available to the  
29 Department for inspection or audit.

30 The rolling stock exemption applies to rolling stock used  
31 by an interstate carrier for hire, even just between points  
32 in Illinois, if such rolling stock transports, for hire,  
33 persons whose journeys or property whose shipments originate  
34 or terminate outside Illinois.

1 Any informal rulings, opinions or letters issued by the  
2 Department in response to an inquiry or request for any  
3 opinion from any person regarding the coverage and  
4 applicability of exemption (e) to specific devices shall be  
5 published, maintained as a public record, and made available  
6 for public inspection and copying. If the informal ruling,  
7 opinion or letter contains trade secrets or other  
8 confidential information, where possible the Department shall  
9 delete such information prior to publication. Whenever such  
10 informal rulings, opinions, or letters contain any policy of  
11 general applicability, the Department shall formulate and  
12 adopt such policy as a rule in accordance with the provisions  
13 of the Illinois Administrative Procedure Act.

14 On and after July 1, 1987, no entity otherwise eligible  
15 under exemption (c) of this Section shall make tax free  
16 purchases unless it has an active exemption identification  
17 number issued by the Department.

18 "Serviceman" means any person who is engaged in the  
19 occupation of making sales of service.

20 "Sale at Retail" means "sale at retail" as defined in the  
21 Retailers' Occupation Tax Act.

22 "Supplier" means any person who makes sales of tangible  
23 personal property to servicemen for the purpose of resale as  
24 an incident to a sale of service.

25 (Source: P.A. 91-51, eff. 6-30-99; 92-484, eff. 8-23-01;  
26 revised 11-22-02.)

27 Section 18. The Retailers' Occupation Tax Act is amended  
28 by changing Section 2-5 as follows:

29 (35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

30 Sec. 2-5. Exemptions. Gross receipts from proceeds from  
31 the sale of the following tangible personal property are  
32 exempt from the tax imposed by this Act:

1 (1) Farm chemicals.

2 (2) Farm machinery and equipment, both new and used,  
3 including that manufactured on special order, certified by  
4 the purchaser to be used primarily for production agriculture  
5 or State or federal agricultural programs, including  
6 individual replacement parts for the machinery and equipment,  
7 including machinery and equipment purchased for lease, and  
8 including implements of husbandry defined in Section 1-130 of  
9 the Illinois Vehicle Code, farm machinery and agricultural  
10 chemical and fertilizer spreaders, and nurse wagons required  
11 to be registered under Section 3-809 of the Illinois Vehicle  
12 Code, but excluding other motor vehicles required to be  
13 registered under the Illinois Vehicle Code. Horticultural  
14 polyhouses or hoop houses used for propagating, growing, or  
15 overwintering plants shall be considered farm machinery and  
16 equipment under this item (2). Agricultural chemical tender  
17 tanks and dry boxes shall include units sold separately from  
18 a motor vehicle required to be licensed and units sold  
19 mounted on a motor vehicle required to be licensed, if the  
20 selling price of the tender is separately stated.

21 Farm machinery and equipment shall include precision  
22 farming equipment that is installed or purchased to be  
23 installed on farm machinery and equipment including, but not  
24 limited to, tractors, harvesters, sprayers, planters,  
25 seeders, or spreaders. Precision farming equipment includes,  
26 but is not limited to, soil testing sensors, computers,  
27 monitors, software, global positioning and mapping systems,  
28 and other such equipment.

29 Farm machinery and equipment also includes computers,  
30 sensors, software, and related equipment used primarily in  
31 the computer-assisted operation of production agriculture  
32 facilities, equipment, and activities such as, but not  
33 limited to, the collection, monitoring, and correlation of  
34 animal and crop data for the purpose of formulating animal

1 diets and agricultural chemicals. This item (7) is exempt  
2 from the provisions of Section 2-70.

3 (3) Distillation machinery and equipment, sold as a unit  
4 or kit, assembled or installed by the retailer, certified by  
5 the user to be used only for the production of ethyl alcohol  
6 that will be used for consumption as motor fuel or as a  
7 component of motor fuel for the personal use of the user, and  
8 not subject to sale or resale.

9 (4) Graphic arts machinery and equipment, including  
10 repair and replacement parts, both new and used, and  
11 including that manufactured on special order or purchased for  
12 lease, certified by the purchaser to be used primarily for  
13 graphic arts production. Equipment includes chemicals or  
14 chemicals acting as catalysts but only if the chemicals or  
15 chemicals acting as catalysts effect a direct and immediate  
16 change upon a graphic arts product.

17 (5) A motor vehicle of the first division, a motor  
18 vehicle of the second division that is a self-contained motor  
19 vehicle designed or permanently converted to provide living  
20 quarters for recreational, camping, or travel use, with  
21 direct walk through access to the living quarters from the  
22 driver's seat, or a motor vehicle of the second division that  
23 is of the van configuration designed for the transportation  
24 of not less than 7 nor more than 16 passengers, as defined in  
25 Section 1-146 of the Illinois Vehicle Code, that is used for  
26 automobile renting, as defined in the Automobile Renting  
27 Occupation and Use Tax Act.

28 (6) Personal property sold by a teacher-sponsored  
29 student organization affiliated with an elementary or  
30 secondary school located in Illinois.

31 (7) Proceeds of that portion of the selling price of a  
32 passenger car the sale of which is subject to the Replacement  
33 Vehicle Tax.

34 (8) Personal property sold to an Illinois county fair

1 association for use in conducting, operating, or promoting  
2 the county fair.

3 (9) Personal property sold to a not-for-profit arts or  
4 cultural organization that establishes, by proof required by  
5 the Department by rule, that it has received an exemption  
6 under Section 501(c)(3) of the Internal Revenue Code and that  
7 is organized and operated primarily for the presentation or  
8 support of arts or cultural programming, activities, or  
9 services. These organizations include, but are not limited  
10 to, music and dramatic arts organizations such as symphony  
11 orchestras and theatrical groups, arts and cultural service  
12 organizations, local arts councils, visual arts  
13 organizations, and media arts organizations. On and after the  
14 effective date of this amendatory Act of the 92nd General  
15 Assembly, however, an entity otherwise eligible for this  
16 exemption shall not make tax-free purchases unless it has an  
17 active identification number issued by the Department.

18 (10) Personal property sold by a corporation, society,  
19 association, foundation, institution, or organization, other  
20 than a limited liability company, that is organized and  
21 operated as a not-for-profit service enterprise for the  
22 benefit of persons 65 years of age or older if the personal  
23 property was not purchased by the enterprise for the purpose  
24 of resale by the enterprise.

25 (11) Personal property sold to a governmental body, to a  
26 corporation, society, association, foundation, or institution  
27 organized and operated exclusively for charitable, religious,  
28 or educational purposes, or to a not-for-profit corporation,  
29 society, association, foundation, institution, or  
30 organization that has no compensated officers or employees  
31 and that is organized and operated primarily for the  
32 recreation of persons 55 years of age or older. A limited  
33 liability company may qualify for the exemption under this  
34 paragraph only if the limited liability company is organized



1 and operated exclusively for educational purposes. On and  
2 after July 1, 1987, however, no entity otherwise eligible for  
3 this exemption shall make tax-free purchases unless it has an  
4 active identification number issued by the Department.

5 (12) Personal property sold to interstate carriers for  
6 hire for use as rolling stock moving in interstate commerce  
7 or to lessors under leases of one year or longer executed or  
8 in effect at the time of purchase by interstate carriers for  
9 hire for use as rolling stock moving in interstate commerce  
10 and equipment operated by a telecommunications provider,  
11 licensed as a common carrier by the Federal Communications  
12 Commission, which is permanently installed in or affixed to  
13 aircraft moving in interstate commerce.

14 (13) Proceeds from sales to owners, lessors, or shippers  
15 of tangible personal property that is utilized by interstate  
16 carriers for hire for use as rolling stock moving in  
17 interstate commerce and equipment operated by a  
18 telecommunications provider, licensed as a common carrier by  
19 the Federal Communications Commission, which is permanently  
20 installed in or affixed to aircraft moving in interstate  
21 commerce.

22 (14) Machinery and equipment that will be used by the  
23 purchaser, or a lessee of the purchaser, primarily in the  
24 process of manufacturing or assembling tangible personal  
25 property for wholesale or retail sale or lease, whether the  
26 sale or lease is made directly by the manufacturer or by some  
27 other person, whether the materials used in the process are  
28 owned by the manufacturer or some other person, or whether  
29 the sale or lease is made apart from or as an incident to the  
30 seller's engaging in the service occupation of producing  
31 machines, tools, dies, jigs, patterns, gauges, or other  
32 similar items of no commercial value on special order for a  
33 particular purchaser.

34 (15) Proceeds of mandatory service charges separately

1 stated on customers' bills for purchase and consumption of  
2 food and beverages, to the extent that the proceeds of the  
3 service charge are in fact turned over as tips or as a  
4 substitute for tips to the employees who participate directly  
5 in preparing, serving, hosting or cleaning up the food or  
6 beverage function with respect to which the service charge is  
7 imposed.

8 (16) Petroleum products sold to a purchaser if the  
9 seller is prohibited by federal law from charging tax to the  
10 purchaser.

11 (17) Tangible personal property sold to a common carrier  
12 by rail or motor that receives the physical possession of the  
13 property in Illinois and that transports the property, or  
14 shares with another common carrier in the transportation of  
15 the property, out of Illinois on a standard uniform bill of  
16 lading showing the seller of the property as the shipper or  
17 consignor of the property to a destination outside Illinois,  
18 for use outside Illinois.

19 (18) Legal tender, currency, medallions, or gold or  
20 silver coinage issued by the State of Illinois, the  
21 government of the United States of America, or the government  
22 of any foreign country, and bullion.

23 (19) Oil field exploration, drilling, and production  
24 equipment, including (i) rigs and parts of rigs, rotary rigs,  
25 cable tool rigs, and workover rigs, (ii) pipe and tubular  
26 goods, including casing and drill strings, (iii) pumps and  
27 pump-jack units, (iv) storage tanks and flow lines, (v) any  
28 individual replacement part for oil field exploration,  
29 drilling, and production equipment, and (vi) machinery and  
30 equipment purchased for lease; but excluding motor vehicles  
31 required to be registered under the Illinois Vehicle Code.

32 (20) Photoprocessing machinery and equipment, including  
33 repair and replacement parts, both new and used, including  
34 that manufactured on special order, certified by the

1 purchaser to be used primarily for photoprocessing, and  
2 including photoprocessing machinery and equipment purchased  
3 for lease.

4 (21) Coal exploration, mining, offhighway hauling,  
5 processing, maintenance, and reclamation equipment, including  
6 replacement parts and equipment, and including equipment  
7 purchased for lease, but excluding motor vehicles required to  
8 be registered under the Illinois Vehicle Code.

9 (22) Fuel and petroleum products sold to or used by an  
10 air carrier, certified by the carrier to be used for  
11 consumption, shipment, or storage in the conduct of its  
12 business as an air common carrier, for a flight destined for  
13 or returning from a location or locations outside the United  
14 States without regard to previous or subsequent domestic  
15 stopovers.

16 (23) A transaction in which the purchase order is  
17 received by a florist who is located outside Illinois, but  
18 who has a florist located in Illinois deliver the property to  
19 the purchaser or the purchaser's donee in Illinois.

20 (24) Fuel consumed or used in the operation of ships,  
21 barges, or vessels that are used primarily in or for the  
22 transportation of property or the conveyance of persons for  
23 hire on rivers bordering on this State if the fuel is  
24 delivered by the seller to the purchaser's barge, ship, or  
25 vessel while it is afloat upon that bordering river.

26 (25) A motor vehicle sold in this State to a nonresident  
27 even though the motor vehicle is delivered to the nonresident  
28 in this State, if the motor vehicle is not to be titled in  
29 this State, and if a drive-away permit is issued to the motor  
30 vehicle as provided in Section 3-603 of the Illinois Vehicle  
31 Code or if the nonresident purchaser has vehicle registration  
32 plates to transfer to the motor vehicle upon returning to his  
33 or her home state. The issuance of the drive-away permit or  
34 having the out-of-state registration plates to be transferred

1 is prima facie evidence that the motor vehicle will not be  
2 titled in this State.

3 (26) Semen used for artificial insemination of livestock  
4 for direct agricultural production.

5 (27) Horses, or interests in horses, registered with and  
6 meeting the requirements of any of the Arabian Horse Club  
7 Registry of America, Appaloosa Horse Club, American Quarter  
8 Horse Association, United States Trotting Association, or  
9 Jockey Club, as appropriate, used for purposes of breeding or  
10 racing for prizes.

11 (28) Computers and communications equipment utilized for  
12 any hospital purpose and equipment used in the diagnosis,  
13 analysis, or treatment of hospital patients sold to a lessor  
14 who leases the equipment, under a lease of one year or longer  
15 executed or in effect at the time of the purchase, to a  
16 hospital that has been issued an active tax exemption  
17 identification number by the Department under Section 1g of  
18 this Act.

19 (29) Personal property sold to a lessor who leases the  
20 property, under a lease of one year or longer executed or in  
21 effect at the time of the purchase, to a governmental body  
22 that has been issued an active tax exemption identification  
23 number by the Department under Section 1g of this Act.

24 (30) Beginning with taxable years ending on or after  
25 December 31, 1995 and ending with taxable years ending on or  
26 before December 31, 2004, personal property that is donated  
27 for disaster relief to be used in a State or federally  
28 declared disaster area in Illinois or bordering Illinois by a  
29 manufacturer or retailer that is registered in this State to  
30 a corporation, society, association, foundation, or  
31 institution that has been issued a sales tax exemption  
32 identification number by the Department that assists victims  
33 of the disaster who reside within the declared disaster area.

34 (31) Beginning with taxable years ending on or after

1 December 31, 1995 and ending with taxable years ending on or  
2 before December 31, 2004, personal property that is used in  
3 the performance of infrastructure repairs in this State,  
4 including but not limited to municipal roads and streets,  
5 access roads, bridges, sidewalks, waste disposal systems,  
6 water and sewer line extensions, water distribution and  
7 purification facilities, storm water drainage and retention  
8 facilities, and sewage treatment facilities, resulting from a  
9 State or federally declared disaster in Illinois or bordering  
10 Illinois when such repairs are initiated on facilities  
11 located in the declared disaster area within 6 months after  
12 the disaster.

13 (32) Beginning July 1, 1999, game or game birds sold at  
14 a "game breeding and hunting preserve area" or an "exotic  
15 game hunting area" as those terms are used in the Wildlife  
16 Code or at a hunting enclosure approved through rules adopted  
17 by the Department of Natural Resources. This paragraph is  
18 exempt from the provisions of Section 2-70.

19 (33) A motor vehicle, as that term is defined in Section  
20 1-146 of the Illinois Vehicle Code, that is donated to a  
21 corporation, limited liability company, society, association,  
22 foundation, or institution that is determined by the  
23 Department to be organized and operated exclusively for  
24 educational purposes. For purposes of this exemption, "a  
25 corporation, limited liability company, society, association,  
26 foundation, or institution organized and operated exclusively  
27 for educational purposes" means all tax-supported public  
28 schools, private schools that offer systematic instruction in  
29 useful branches of learning by methods common to public  
30 schools and that compare favorably in their scope and  
31 intensity with the course of study presented in tax-supported  
32 schools, and vocational or technical schools or institutes  
33 organized and operated exclusively to provide a course of  
34 study of not less than 6 weeks duration and designed to

1 prepare individuals to follow a trade or to pursue a manual,  
2 technical, mechanical, industrial, business, or commercial  
3 occupation.

4 (34) Beginning January 1, 2000, personal property,  
5 including food, purchased through fundraising events for the  
6 benefit of a public or private elementary or secondary  
7 school, a group of those schools, or one or more school  
8 districts if the events are sponsored by an entity recognized  
9 by the school district that consists primarily of volunteers  
10 and includes parents and teachers of the school children.  
11 This paragraph does not apply to fundraising events (i) for  
12 the benefit of private home instruction or (ii) for which the  
13 fundraising entity purchases the personal property sold at  
14 the events from another individual or entity that sold the  
15 property for the purpose of resale by the fundraising entity  
16 and that profits from the sale to the fundraising entity.  
17 This paragraph is exempt from the provisions of Section 2-70.

18 (35) Beginning January 1, 2000 and through December 31,  
19 2001, new or used automatic vending machines that prepare and  
20 serve hot food and beverages, including coffee, soup, and  
21 other items, and replacement parts for these machines.  
22 Beginning January 1, 2002, machines and parts for machines  
23 used in commercial, coin-operated amusement and vending  
24 business if a use or occupation tax is paid on the gross  
25 receipts derived from the use of the commercial,  
26 coin-operated amusement and vending machines. This paragraph  
27 is exempt from the provisions of Section 2-70.

28 (35-5) ~~(36)~~ Food for human consumption that is to be  
29 consumed off the premises where it is sold (other than  
30 alcoholic beverages, soft drinks, and food that has been  
31 prepared for immediate consumption) and prescription and  
32 nonprescription medicines, drugs, medical appliances, and  
33 insulin, urine testing materials, syringes, and needles used  
34 by diabetics, for human use, when purchased for use by a

1 person receiving medical assistance under Article 5 of the  
2 Illinois Public Aid Code who resides in a licensed long-term  
3 care facility, as defined in the Nursing Home Care Act.

4 (36) Beginning August 2, 2001 ~~on-the-effective--date--of~~  
5 ~~this--amendatory--Act-of-the-92nd-General-Assembly~~, computers  
6 and communications equipment utilized for any hospital  
7 purpose and equipment used in the diagnosis, analysis, or  
8 treatment of hospital patients sold to a lessor who leases  
9 the equipment, under a lease of one year or longer executed  
10 or in effect at the time of the purchase, to a hospital that  
11 has been issued an active tax exemption identification number  
12 by the Department under Section 1g of this Act. This  
13 paragraph is exempt from the provisions of Section 2-70.

14 (37) Beginning August 2, 2001 ~~on-the-effective--date--of~~  
15 ~~this--amendatory--Act--of-the-92nd-General-Assembly~~, personal  
16 property sold to a lessor who leases the property, under a  
17 lease of one year or longer executed or in effect at the time  
18 of the purchase, to a governmental body that has been issued  
19 an active tax exemption identification number by the  
20 Department under Section 1g of this Act. This paragraph is  
21 exempt from the provisions of Section 2-70.

22 (38) Beginning on January 1, 2002, tangible personal  
23 property purchased from an Illinois retailer by a taxpayer  
24 engaged in centralized purchasing activities in Illinois who  
25 will, upon receipt of the property in Illinois, temporarily  
26 store the property in Illinois (i) for the purpose of  
27 subsequently transporting it outside this State for use or  
28 consumption thereafter solely outside this State or (ii) for  
29 the purpose of being processed, fabricated, or manufactured  
30 into, attached to, or incorporated into other tangible  
31 personal property to be transported outside this State and  
32 thereafter used or consumed solely outside this State. The  
33 Director of Revenue shall, pursuant to rules adopted in  
34 accordance with the Illinois Administrative Procedure Act,

1 issue a permit to any taxpayer in good standing with the  
2 Department who is eligible for the exemption under this  
3 paragraph (38). The permit issued under this paragraph (38)  
4 shall authorize the holder, to the extent and in the manner  
5 specified in the rules adopted under this Act, to purchase  
6 tangible personal property from a retailer exempt from the  
7 taxes imposed by this Act. Taxpayers shall maintain all  
8 necessary books and records to substantiate the use and  
9 consumption of all such tangible personal property outside of  
10 the State of Illinois.

11 (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99;  
12 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff.  
13 8-20-99; 91-644, eff. 8-20-99; 92-16, eff. 6-28-01; 92-35,  
14 eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01;  
15 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; 92-651, eff.  
16 7-11-02; 92-680, eff. 7-16-02; revised 1-26-03.)

17 Section 19. The Cigarette Tax Act is amended by changing  
18 Section 3 as follows:

19 (35 ILCS 130/3) (from Ch. 120, par. 453.3)

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

32 No stamp or imprint may be affixed to, or made upon, any



1 package of cigarettes unless that package complies with all  
2 requirements of the federal Cigarette Labeling and  
3 Advertising Act, 15 U.S.C. 1331 and following, for the  
4 placement of labels, warnings, or any other information upon  
5 a package of cigarettes that is sold within the United  
6 States. Under the authority of Section 6, the Department  
7 shall revoke the license of any distributor that is  
8 determined to have violated this paragraph. A person may not  
9 affix a stamp on a package of cigarettes, cigarette papers,  
10 wrappers, or tubes if that individual package has been marked  
11 for export outside the United States with a label or notice  
12 in compliance with Section 290.185 of Title 27 of the Code of  
13 Federal Regulations. It is not a defense to a proceeding for  
14 violation of this paragraph that the label or notice has been  
15 removed, mutilated, obliterated, or altered in any manner.

16 The Department, or any person authorized by the  
17 Department, shall sell such stamps only to persons holding  
18 valid licenses as distributors under this Act. The Department  
19 may refuse to sell stamps to any person who does not comply  
20 with the provisions of this Act. Beginning on the effective  
21 date of this amendatory Act of the 92nd General Assembly and  
22 through June 30, 2002, persons holding valid licenses as  
23 distributors may purchase cigarette tax stamps up to an  
24 amount equal to 115% of the distributor's average monthly  
25 cigarette tax stamp purchases over the 12 calendar months  
26 prior to the effective date of this amendatory Act of the  
27 92nd General Assembly.

28 Prior to December 1, 1985, the Department shall allow a  
29 distributor 21 days in which to make final payment of the  
30 amount to be paid for such stamps, by allowing the  
31 distributor to make payment for the stamps at the time of  
32 purchasing them with a draft which shall be in such form as  
33 the Department prescribes, and which shall be payable within  
34 21 days thereafter: Provided that such distributor has filed

1 with the Department, and has received the Department's  
2 approval of, a bond, which is in addition to the bond  
3 required under Section 4 of this Act, payable to the  
4 Department in an amount equal to 80% of such distributor's  
5 average monthly tax liability to the Department under this  
6 Act during the preceding calendar year or \$500,000, whichever  
7 is less. The Bond shall be joint and several and shall be in  
8 the form of a surety company bond in such form as the  
9 Department prescribes, or it may be in the form of a bank  
10 certificate of deposit or bank letter of credit. The bond  
11 shall be conditioned upon the distributor's payment of amount  
12 of any 21-day draft which the Department accepts from that  
13 distributor for the delivery of stamps to that distributor  
14 under this Act. The distributor's failure to pay any such  
15 draft, when due, shall also make such distributor  
16 automatically liable to the Department for a penalty equal to  
17 25% of the amount of such draft.

18 On and after December 1, 1985, the Department shall allow  
19 a distributor 30 days in which to make final payment of the  
20 amount to be paid for such stamps, by allowing the  
21 distributor to make payment for the stamps at the time of  
22 purchasing them with a draft which shall be in such form as  
23 the Department prescribes, and which shall be payable within  
24 30 days thereafter, and beginning on January 1, 2003 and  
25 thereafter, the draft shall be payable by means of electronic  
26 funds transfer: Provided that such distributor has filed  
27 with the Department, and has received the Department's  
28 approval of, a bond, which is in addition to the bond  
29 required under Section 4 of this Act, payable to the  
30 Department in an amount equal to 150% of such distributor's  
31 average monthly tax liability to the Department under this  
32 Act during the preceding calendar year or \$750,000, whichever  
33 is less, except that as to bonds filed on or after January 1,  
34 1987, such additional bond shall be in an amount equal to

1 100% of such distributor's average monthly tax liability  
2 under this Act during the preceding calendar year or  
3 \$750,000, whichever is less. The bond shall be joint and  
4 several and shall be in the form of a surety company bond in  
5 such form as the Department prescribes, or it may be in the  
6 form of a bank certificate of deposit or bank letter of  
7 credit. The bond shall be conditioned upon the distributor's  
8 payment of the amount of any 30-day draft which the  
9 Department accepts from that distributor for the delivery of  
10 stamps to that distributor under this Act. The distributor's  
11 failure to pay any such draft, when due, shall also make such  
12 distributor automatically liable to the Department for a  
13 penalty equal to 25% of the amount of such draft.

14 Every prior continuous compliance taxpayer shall be  
15 exempt from all requirements under this Section concerning  
16 the furnishing of such bond, as defined in this Section, as a  
17 condition precedent to his being authorized to engage in the  
18 business licensed under this Act. This exemption shall  
19 continue for each such taxpayer until such time as he may be  
20 determined by the Department to be delinquent in the filing  
21 of any returns, or is determined by the Department (either  
22 through the Department's issuance of a final assessment which  
23 has become final under the Act, or by the taxpayer's filing  
24 of a return which admits tax to be due that is not paid) to  
25 be delinquent or deficient in the paying of any tax under  
26 this Act, at which time that taxpayer shall become subject to  
27 the bond requirements of this Section and, as a condition of  
28 being allowed to continue to engage in the business licensed  
29 under this Act, shall be required to furnish bond to the  
30 Department in such form as provided in this Section. Such  
31 taxpayer shall furnish such bond for a period of 2 years,  
32 after which, if the taxpayer has not been delinquent in the  
33 filing of any returns, or delinquent or deficient in the  
34 paying of any tax under this Act, the Department may

1 reinstate such person as a prior continuance compliance  
2 taxpayer. Any taxpayer who fails to pay an admitted or  
3 established liability under this Act may also be required to  
4 post bond or other acceptable security with the Department  
5 guaranteeing the payment of such admitted or established  
6 liability.

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

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

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

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

33 The Department may authorize distributors to affix  
34 revenue tax stamps by imprinting tax meter stamps upon

1 original packages of cigarettes. The Department shall adopt  
2 rules and regulations relating to the imprinting of such tax  
3 meter stamps as will result in payment of the proper taxes as  
4 herein imposed. No distributor may affix revenue tax stamps  
5 to original packages of cigarettes by imprinting tax meter  
6 stamps thereon unless such distributor has first obtained  
7 permission from the Department to employ this method of  
8 affixation. The Department shall regulate the use of tax  
9 meters and may, to assure the proper collection of the taxes  
10 imposed by this Act, revoke or suspend the privilege,  
11 theretofore granted by the Department to any distributor, to  
12 imprint tax meter stamps upon original packages of  
13 cigarettes.

14 Illinois cigarette manufacturers who place their  
15 cigarettes in original packages which are contained inside a  
16 sealed transparent wrapper, and similar out-of-State  
17 cigarette manufacturers who elect to qualify and are accepted  
18 by the Department as distributors under Section 4b of this  
19 Act, shall pay the taxes imposed by this Act by remitting the  
20 amount thereof to the Department by the 5th day of each month  
21 covering cigarettes shipped or otherwise delivered in  
22 Illinois to purchasers during the preceding calendar month.  
23 Such manufacturers of cigarettes in original packages which  
24 are contained inside a sealed transparent wrapper, before  
25 delivering such cigarettes or causing such cigarettes to be  
26 delivered in this State to purchasers, shall evidence their  
27 obligation to remit the taxes due with respect to such  
28 cigarettes by imprinting language to be prescribed by the  
29 Department on each original package of such cigarettes  
30 underneath the sealed transparent outside wrapper of such  
31 original package, in such place thereon and in such manner as  
32 the Department may designate. Such imprinted language shall  
33 acknowledge the manufacturer's payment of or liability for  
34 the tax imposed by this Act with respect to the distribution

1 of such cigarettes.

2 A distributor shall not affix, or cause to be affixed,  
3 any stamp or imprint to a package of cigarettes, as provided  
4 for in this Section, if the tobacco product manufacturer, as  
5 defined in Section 10 of the Tobacco Product Manufacturers'  
6 Escrow Act, that made or sold the cigarettes has failed to  
7 become a participating manufacturer, as defined in  
8 subdivision (a)(1) of Section 15 of the Tobacco Product  
9 Manufacturers' Escrow Act, or has failed to create a  
10 qualified escrow fund for any cigarettes manufactured by the  
11 tobacco product manufacturer and sold in this State or  
12 otherwise failed to bring itself into compliance with  
13 subdivision (a)(2) of Section 15 of the Tobacco Product  
14 Manufacturers' Escrow Act.

15 (Source: P.A. 91-246, eff. 7-22-99; 92-322, eff. 1-1-02;  
16 92-536, eff. 6-6-02; 92-737, eff. 7-25-02; revised 9-10-02.)

17 Section 20. The Cigarette Use Tax Act is amended by  
18 changing Section 3 as follows:

19 (35 ILCS 135/3) (from Ch. 120, par. 453.33)

20 Sec. 3. Stamp payment. The tax hereby imposed shall be  
21 collected by a distributor maintaining a place of business in  
22 this State or a distributor authorized by the Department  
23 pursuant to Section 7 hereof to collect the tax, and the  
24 amount of the tax shall be added to the price of the  
25 cigarettes sold by such distributor. Collection of the tax  
26 shall be evidenced by a stamp or stamps affixed to each  
27 original package of cigarettes or by an authorized substitute  
28 for such stamp imprinted on each original package of such  
29 cigarettes underneath the sealed transparent outside wrapper  
30 of such original package, except as hereinafter provided.  
31 Each distributor who is required or authorized to collect the  
32 tax herein imposed, before delivering or causing to be

1 delivered any original packages of cigarettes in this State  
2 to any purchaser, shall firmly affix a proper stamp or stamps  
3 to each such package, or (in the case of manufacturers of  
4 cigarettes in original packages which are contained inside a  
5 sealed transparent wrapper) shall imprint the required  
6 language on the original package of cigarettes beneath such  
7 outside wrapper as hereinafter provided. Such stamp or stamps  
8 need not be affixed to the original package of any cigarettes  
9 with respect to which the distributor is required to affix a  
10 like stamp or stamps by virtue of the Cigarette Tax Act,  
11 however, and no tax imprint need be placed underneath the  
12 sealed transparent wrapper of an original package of  
13 cigarettes with respect to which the distributor is required  
14 or authorized to employ a like tax imprint by virtue of the  
15 Cigarette Tax Act.

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

32 Stamps, when required hereunder, shall be purchased from  
33 the Department, or any person authorized by the Department,  
34 by distributors. The Department may refuse to sell stamps to

1 any person who does not comply with the provisions of this  
2 Act. Beginning on June 6, 2002 ~~the effective date of this~~  
3 ~~amendatory Act of the 92nd General Assembly~~ and through June  
4 30, 2002, persons holding valid licenses as distributors may  
5 purchase cigarette tax stamps up to an amount equal to 115%  
6 of the distributor's average monthly cigarette tax stamp  
7 purchases over the 12 calendar months prior to June 6, 2002  
8 ~~the effective date of this amendatory Act of the 92nd General~~  
9 ~~Assembly.~~

10 Prior to December 1, 1985, the Department shall allow a  
11 distributor 21 days in which to make final payment of the  
12 amount to be paid for such stamps, by allowing the  
13 distributor to make payment for the stamps at the time of  
14 purchasing them with a draft which shall be in such form as  
15 the Department prescribes, and which shall be payable within  
16 21 days thereafter: Provided that such distributor has filed  
17 with the Department, and has received the Department's  
18 approval of, a bond, which is in addition to the bond  
19 required under Section 4 of this Act, payable to the  
20 Department in an amount equal to 80% of such distributor's  
21 average monthly tax liability to the Department under this  
22 Act during the preceding calendar year or \$500,000, whichever  
23 is less. The bond shall be joint and several and shall be in  
24 the form of a surety company bond in such form as the  
25 Department prescribes, or it may be in the form of a bank  
26 certificate of deposit or bank letter of credit. The bond  
27 shall be conditioned upon the distributor's payment of the  
28 amount of any 21-day draft which the Department accepts from  
29 that distributor for the delivery of stamps to that  
30 distributor under this Act. The distributor's failure to pay  
31 any such draft, when due, shall also make such distributor  
32 automatically liable to the Department for a penalty equal to  
33 25% of the amount of such draft.

34 On and after December 1, 1985, the Department shall allow



1 a distributor 30 days in which to make final payment of the  
2 amount to be paid for such stamps, by allowing the  
3 distributor to make payment for the stamps at the time of  
4 purchasing them with a draft which shall be in such form as  
5 the Department prescribes, and which shall be payable within  
6 30 days thereafter, and beginning on January 1, 2003 and  
7 thereafter, the draft shall be payable by means of electronic  
8 funds transfer: Provided that such distributor has filed  
9 with the Department, and has received the Department's  
10 approval of, a bond, which is in addition to the bond  
11 required under Section 4 of this Act, payable to the  
12 Department in an amount equal to 150% of such distributor's  
13 average monthly tax liability to the Department under this  
14 Act during the preceding calendar year or \$750,000, whichever  
15 is less, except that as to bonds filed on or after January 1,  
16 1987, such additional bond shall be in an amount equal to  
17 100% of such distributor's average monthly tax liability  
18 under this Act during the preceding calendar year or  
19 \$750,000, whichever is less. The bond shall be joint and  
20 several and shall be in the form of a surety company bond in  
21 such form as the Department prescribes, or it may be in the  
22 form of a bank certificate of deposit or bank letter of  
23 credit. The bond shall be conditioned upon the distributor's  
24 payment of the amount of any 30-day draft which the  
25 Department accepts from that distributor for the delivery of  
26 stamps to that distributor under this Act. The distributor's  
27 failure to pay any such draft, when due, shall also make such  
28 distributor automatically liable to the Department for a  
29 penalty equal to 25% of the amount of such draft.

30 Every prior continuous compliance taxpayer shall be  
31 exempt from all requirements under this Section concerning  
32 the furnishing of such bond, as defined in this Section, as a  
33 condition precedent to his being authorized to engage in the  
34 business licensed under this Act. This exemption shall

1 continue for each such taxpayer until such time as he may be  
2 determined by the Department to be delinquent in the filing  
3 of any returns, or is determined by the Department (either  
4 through the Department's issuance of a final assessment which  
5 has become final under the Act, or by the taxpayer's filing  
6 of a return which admits tax to be due that is not paid) to  
7 be delinquent or deficient in the paying of any tax under  
8 this Act, at which time that taxpayer shall become subject to  
9 the bond requirements of this Section and, as a condition of  
10 being allowed to continue to engage in the business licensed  
11 under this Act, shall be required to furnish bond to the  
12 Department in such form as provided in this Section. Such  
13 taxpayer shall furnish such bond for a period of 2 years,  
14 after which, if the taxpayer has not been delinquent in the  
15 filing of any returns, or delinquent or deficient in the  
16 paying of any tax under this Act, the Department may  
17 reinstate such person as a prior continuance compliance  
18 taxpayer. Any taxpayer who fails to pay an admitted or  
19 established liability under this Act may also be required to  
20 post bond or other acceptable security with the Department  
21 guaranteeing the payment of such admitted or established  
22 liability.

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

32 The Department shall discharge any surety and shall  
33 release and return any bond or security deposited, assigned,  
34 pledged, or otherwise provided to it by a taxpayer under this

1 Section within 30 days after:

2 (1) such Taxpayer becomes a prior continuous  
3 compliance taxpayer; or

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

16 At the time of purchasing such stamps from the Department  
17 when purchase is required by this Act, or at the time when  
18 the tax which he has collected is remitted by a distributor  
19 to the Department without the purchase of stamps from the  
20 Department when that method of remitting the tax that has  
21 been collected is required or authorized by this Act, the  
22 distributor shall be allowed a discount during any year  
23 commencing July 1 and ending the following June 30 in  
24 accordance with the schedule set out hereinbelow, from the  
25 amount to be paid by him to the Department for such stamps,  
26 or to be paid by him to the Department on the basis of  
27 monthly remittances (as the case may be), to cover the cost,  
28 to such distributor, of collecting the tax herein imposed by  
29 affixing such stamps to the original packages of cigarettes  
30 sold by such distributor or by placing tax imprints  
31 underneath the sealed transparent wrapper of original  
32 packages of cigarettes sold by such distributor (as the case  
33 may be): (1) Prior to December 1, 1985, a discount equal to  
34 1-2/3% of the amount of the tax up to and including the first

1 \$700,000 paid hereunder by such distributor to the Department  
2 during any such year; 1-1/3% of the next \$700,000 of tax or  
3 any part thereof, paid hereunder by such distributor to the  
4 Department during any such year; 1% of the next \$700,000 of  
5 tax, or any part thereof, paid hereunder by such distributor  
6 to the Department during any such year; and 2/3 of 1% of the  
7 amount of any additional tax paid hereunder by such  
8 distributor to the Department during any such year or (2) On  
9 and after December 1, 1985, a discount equal to 1.75% of the  
10 amount of the tax payable under this Act up to and including  
11 the first \$3,000,000 paid hereunder by such distributor to  
12 the Department during any such year and 1.5% of the amount of  
13 any additional tax paid hereunder by such distributor to the  
14 Department during any such year.

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

19 Cigarette manufacturers who are distributors under this  
20 Act, and who place their cigarettes in original packages  
21 which are contained inside a sealed transparent wrapper,  
22 shall be required to remit the tax which they are required to  
23 collect under this Act to the Department by remitting the  
24 amount thereof to the Department by the 5th day of each  
25 month, covering cigarettes shipped or otherwise delivered to  
26 points in Illinois to purchasers during the preceding  
27 calendar month, but a distributor need not remit to the  
28 Department the tax so collected by him from purchasers under  
29 this Act to the extent to which such distributor is required  
30 to remit the tax imposed by the Cigarette Tax Act to the  
31 Department with respect to the same cigarettes. All taxes  
32 upon cigarettes under this Act are a direct tax upon the  
33 retail consumer and shall conclusively be presumed to be  
34 precollected for the purpose of convenience and facility

1 only. Distributors who are manufacturers of cigarettes in  
2 original packages which are contained inside a sealed  
3 transparent wrapper, before delivering such cigarettes or  
4 causing such cigarettes to be delivered in this State to  
5 purchasers, shall evidence their obligation to collect and  
6 remit the tax due with respect to such cigarettes by  
7 imprinting language to be prescribed by the Department on  
8 each original package of such cigarettes underneath the  
9 sealed transparent outside wrapper of such original package,  
10 in such place thereon and in such manner as the Department  
11 may prescribe; provided (as stated hereinbefore) that this  
12 requirement does not apply when such distributor is required  
13 or authorized by the Cigarette Tax Act to place the tax  
14 imprint provided for in the last paragraph of Section 3 of  
15 that Act underneath the sealed transparent wrapper of such  
16 original package of cigarettes. Such imprinted language shall  
17 acknowledge the manufacturer's collection and payment of or  
18 liability for the tax imposed by this Act with respect to  
19 such cigarettes.

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

25 Where tax stamps are required, the Department may  
26 authorize distributors to affix revenue tax stamps by  
27 imprinting tax meter stamps upon original packages of  
28 cigarettes. The Department shall adopt rules and regulations  
29 relating to the imprinting of such tax meter stamps as will  
30 result in payment of the proper taxes as herein imposed. No  
31 distributor may affix revenue tax stamps to original packages  
32 of cigarettes by imprinting meter stamps thereon unless such  
33 distributor has first obtained permission from the Department  
34 to employ this method of affixation. The Department shall

1 regulate the use of tax meters and may, to assure the proper  
2 collection of the taxes imposed by this Act, revoke or  
3 suspend the privilege, theretofore granted by the Department  
4 to any distributor, to imprint tax meter stamps upon original  
5 packages of cigarettes.

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

10 A distributor shall not affix, or cause to be affixed,  
11 any stamp or imprint to a package of cigarettes, as provided  
12 for in this Section, if the tobacco product manufacturer, as  
13 defined in Section 10 of the Tobacco Product Manufacturers'  
14 Escrow Act, that made or sold the cigarettes has failed to  
15 become a participating manufacturer, as defined in  
16 subdivision (a)(1) of Section 15 of the Tobacco Product  
17 Manufacturers' Escrow Act, or has failed to create a  
18 qualified escrow fund for any cigarettes manufactured by the  
19 tobacco product manufacturer and sold in this State or  
20 otherwise failed to bring itself into compliance with  
21 subdivision (a)(2) of Section 15 of the Tobacco Product  
22 Manufacturers' Escrow Act.

23 (Source: P.A. 91-246, eff. 7-22-99; 92-322, eff. 1-1-02;  
24 92-536, eff. 6-6-02; 92-737, eff. 7-25-02; revised 9-10-02.)

25 Section 21. The Hotel Operators' Occupation Tax Act is  
26 amended by changing Section 6 as follows:

27 (35 ILCS 145/6) (from Ch. 120, par. 481b.36)

28 Sec. 6. Except as provided hereinafter in this Section,  
29 on or before the last day of each calendar month, every  
30 person engaged in the business of renting, leasing or letting  
31 rooms in a hotel in this State during the preceding calendar  
32 month shall file a return with the Department, stating:

- 1           1. The name of the operator;
- 2           2. His residence address and the address of his  
3 principal place of business and the address of the  
4 principal place of business (if that is a different  
5 address) from which he engages in the business of  
6 renting, leasing or letting rooms in a hotel in this  
7 State;
- 8           3. Total amount of rental receipts received by him  
9 during the preceding calendar month from renting, leasing  
10 or letting rooms during such preceding calendar month;
- 11          4. Total amount of rental receipts received by him  
12 during the preceding calendar month from renting, leasing  
13 or letting rooms to permanent residents during such  
14 preceding calendar month;
- 15          5. Total amount of other exclusions from gross  
16 rental receipts allowed by this Act;
- 17          6. Gross rental receipts which were received by him  
18 during the preceding calendar month and upon the basis of  
19 which the tax is imposed;
- 20          7. The amount of tax due;
- 21          8. Such other reasonable information as the  
22 Department may require.

23           If the operator's average monthly tax liability to the  
24 Department does not exceed \$200, the Department may authorize  
25 his returns to be filed on a quarter annual basis, with the  
26 return for January, February and March of a given year being  
27 due by April 30 of such year; with the return for April, May  
28 and June of a given year being due by July 31 of such year;  
29 with the return for July, August and September of a given  
30 year being due by October 31 of such year, and with the  
31 return for October, November and December of a given year  
32 being due by January 31 of the following year.

33           If the operator's average monthly tax liability to the  
34 Department does not exceed \$50, the Department may authorize

1 his returns to be filed on an annual basis, with the return  
2 for a given year being due by January 31 of the following  
3 year.

4 Such quarter annual and annual returns, as to form and  
5 substance, shall be subject to the same requirements as  
6 monthly returns.

7 Notwithstanding any other provision in this Act  
8 concerning the time within which an operator may file his  
9 return, in the case of any operator who ceases to engage in a  
10 kind of business which makes him responsible for filing  
11 returns under this Act, such operator shall file a final  
12 return under this Act with the Department not more than 1  
13 month after discontinuing such business.

14 Where the same person has more than 1 business registered  
15 with the Department under separate registrations under this  
16 Act, such person shall not file each return that is due as a  
17 single return covering all such registered businesses, but  
18 shall file separate returns for each such registered  
19 business.

20 In his return, the operator shall determine the value of  
21 any consideration other than money received by him in  
22 connection with the renting, leasing or letting of rooms in  
23 the course of his business and he shall include such value in  
24 his return. Such determination shall be subject to review  
25 and revision by the Department in the manner hereinafter  
26 provided for the correction of returns.

27 Where the operator is a corporation, the return filed on  
28 behalf of such corporation shall be signed by the president,  
29 vice-president, secretary or treasurer or by the properly  
30 accredited agent of such corporation.

31 The person filing the return herein provided for shall,  
32 at the time of filing such return, pay to the Department the  
33 amount of tax herein imposed. The operator filing the return  
34 under this Section shall, at the time of filing such return,



1 pay to the Department the amount of tax imposed by this Act  
2 less a discount of 2.1% or \$25 per calendar year, whichever  
3 is greater, which is allowed to reimburse the operator for  
4 the expenses incurred in keeping records, preparing and  
5 filing returns, remitting the tax and supplying data to the  
6 Department on request.

7 There shall be deposited in the Build Illinois Fund in  
8 the State Treasury for each State fiscal year 40% of the  
9 amount of total net proceeds from the tax imposed by  
10 subsection (a) of Section 3. Of the remaining 60%, \$5,000,000  
11 shall be deposited in the Illinois Sports Facilities Fund and  
12 credited to the Subsidy Account each fiscal year by making  
13 monthly deposits in the amount of 1/8 of \$5,000,000 plus  
14 cumulative deficiencies in such deposits for prior months,  
15 and an additional \$8,000,000 shall be deposited in the  
16 Illinois Sports Facilities Fund and credited to the Advance  
17 Account each fiscal year by making monthly deposits in the  
18 amount of 1/8 of \$8,000,000 plus any cumulative deficiencies  
19 in such deposits for prior months; provided, that for fiscal  
20 years ending after June 30, 2001, the amount to be so  
21 deposited into the Illinois Sports Facilities Fund and  
22 credited to the Advance Account each fiscal year shall be  
23 increased from \$8,000,000 to the then applicable Advance  
24 Amount and the required monthly deposits beginning with July  
25 2001 shall be in the amount of 1/8 of the then applicable  
26 Advance Amount plus any cumulative deficiencies in those  
27 deposits for prior months. (The deposits of the additional  
28 \$8,000,000 or the then applicable Advance Amount, as  
29 applicable, during each fiscal year shall be treated as  
30 advances of funds to the Illinois Sports Facilities Authority  
31 for its corporate purposes to the extent paid to the  
32 Authority or its trustee and shall be repaid into the General  
33 Revenue Fund in the State Treasury by the State Treasurer on  
34 behalf of the Authority pursuant to Section 19 of the

1 Illinois Sports Facilities Authority Act, as amended. If in  
2 any fiscal year the full amount of the then applicable  
3 Advance Amount is not repaid into the General Revenue Fund,  
4 then the deficiency shall be paid from the amount in the  
5 Local Government Distributive Fund that would otherwise be  
6 allocated to the City of Chicago under the State Revenue  
7 Sharing Act.)

8 For purposes of the foregoing paragraph, the term  
9 "Advance Amount" means, for fiscal year 2002, \$22,179,000,  
10 and for subsequent fiscal years through fiscal year 2032,  
11 105.615% of the Advance Amount for the immediately preceding  
12 fiscal year, rounded up to the nearest \$1,000.

13 Of the remaining 60% of the amount of total net proceeds  
14 from the tax imposed by subsection (a) of Section 3 after all  
15 required deposits in the Illinois Sports Facilities Fund, the  
16 amount equal to 8% of the net revenue realized from the Hotel  
17 Operators' Occupation Tax Act plus an amount equal to 8% of  
18 the net revenue realized from any tax imposed under Section  
19 4.05 of the Chicago World's Fair-1992 Authority Act during  
20 the preceding month shall be deposited in the Local Tourism  
21 Fund each month for purposes authorized by Section 605-705 of  
22 the Department of Commerce and Community Affairs Law (20 ILCS  
23 605/605-705) ~~in the Local Tourism Fund~~, and beginning August  
24 1, 1999, the amount equal to 4.5% of the net revenue realized  
25 from the Hotel Operators' Occupation Tax Act during the  
26 preceding month shall be deposited into the International  
27 Tourism Fund for the purposes authorized in Section 605-707  
28 605-725 of the Department of Commerce and Community Affairs  
29 Law. "Net revenue realized for a month" means the revenue  
30 collected by the State under that Act during the previous  
31 month less the amount paid out during that same month as  
32 refunds to taxpayers for overpayment of liability under that  
33 Act.

34 After making all these deposits, all other proceeds of

1 the tax imposed under subsection (a) of Section 3 shall be  
2 deposited in the General Revenue Fund in the State Treasury.  
3 All moneys received by the Department from the additional tax  
4 imposed under subsection (b) of Section 3 shall be deposited  
5 into the Build Illinois Fund in the State Treasury.

6 The Department may, upon separate written notice to a  
7 taxpayer, require the taxpayer to prepare and file with the  
8 Department on a form prescribed by the Department within not  
9 less than 60 days after receipt of the notice an annual  
10 information return for the tax year specified in the notice.  
11 Such annual return to the Department shall include a  
12 statement of gross receipts as shown by the operator's last  
13 State income tax return. If the total receipts of the  
14 business as reported in the State income tax return do not  
15 agree with the gross receipts reported to the Department for  
16 the same period, the operator shall attach to his annual  
17 information return a schedule showing a reconciliation of the  
18 amounts and the reasons for the difference. The operator's  
19 annual information return to the Department shall also  
20 disclose pay roll information of the operator's business  
21 during the year covered by such return and any additional  
22 reasonable information which the Department deems would be  
23 helpful in determining the accuracy of the monthly, quarterly  
24 or annual tax returns by such operator as hereinbefore  
25 provided for in this Section.

26 If the annual information return required by this Section  
27 is not filed when and as required the taxpayer shall be  
28 liable for a penalty in an amount determined in accordance  
29 with Section 3-4 of the Uniform Penalty and Interest Act  
30 until such return is filed as required, the penalty to be  
31 assessed and collected in the same manner as any other  
32 penalty provided for in this Act.

33 The chief executive officer, proprietor, owner or highest  
34 ranking manager shall sign the annual return to certify the

1 accuracy of the information contained therein. Any person  
2 who willfully signs the annual return containing false or  
3 inaccurate information shall be guilty of perjury and  
4 punished accordingly. The annual return form prescribed by  
5 the Department shall include a warning that the person  
6 signing the return may be liable for perjury.

7 The foregoing portion of this Section concerning the  
8 filing of an annual information return shall not apply to an  
9 operator who is not required to file an income tax return  
10 with the United States Government.

11 (Source: P.A. 91-239, eff. 1-1-00; 91-604, eff. 8-16-99;  
12 91-935, eff. 6-1-01; 92-16, eff. 6-28-01; 92-600, eff.  
13 6-28-02; revised 1-26-03.)

14 Section 22. The Property Tax Code is amended by changing  
15 Sections 15-25 and 18-177 and setting forth and renumbering  
16 multiple versions of Section 18-92 as follows:

17 (35 ILCS 200/15-25)

18 Sec. 15-25. Removal of exemptions. If the Department  
19 determines that any property has been unlawfully exempted  
20 from taxation, or is no longer entitled to exemption, the  
21 Department shall, before January 1 of any year, direct the  
22 chief county assessment officer to assess the property and  
23 return it to the assessment rolls for the next assessment  
24 year. The Department shall give notice of its decision to  
25 the owner of the property by certified mail. The decision  
26 shall be subject to review and hearing under Section 8-35,  
27 upon application by the owner filed within 60 days after the  
28 notice of decision is mailed. However, the extension of  
29 taxes on the assessment shall not be delayed by any  
30 proceedings under this Section. If the property is  
31 determined to be exempt, any taxes extended upon the  
32 assessment shall be abated or, if already paid, be refunded.

1 (Source: P.A. 92-651, eff. 7-11-02; 92-658, eff. 7-16-02;  
2 revised 7-26-02.)

3 (35 ILCS 200/18-92)

4 Sec. 18-92. Downstate School Finance Authority for  
5 Elementary Districts Law. The provisions of the Truth in  
6 Taxation Law are subject to the Downstate School Finance  
7 Authority for Elementary Districts Law.

8 (Source: P.A. 92-855, eff. 12-6-02.)

9 (35 ILCS 200/18-93)

10 Sec. 18-93 18-92. Maywood Public Library District Tax  
11 Levy Validation (2002) Law. The provisions of the Truth in  
12 Taxation Law are subject to the Maywood Public Library  
13 District Tax Levy Validation (2002) Law.

14 (Source: P.A. 92-884, eff. 1-13-03; revised 1-18-03.)

15 (35 ILCS 200/18-177)

16 Sec. 18-177. Leased low-rent housing abatement. In  
17 counties of 3,000,000 or more inhabitants, the county clerk  
18 shall abate property taxes levied by any taxing district  
19 under this Code on property that meets the following  
20 requirements:

21 (1) The property does not qualify as exempt  
22 property under Section 15-95 of this Code.

23 (2) The property is situated in a municipality with  
24 1,000,000 or more inhabitants and improved with either a  
25 multifamily dwelling or a multi-building development that  
26 is subject to a leasing agreement, regulatory and  
27 operating agreement, or other similar instrument with a  
28 Housing Authority created under the Housing Authorities  
29 Act that sets forth the terms for leasing low-rent  
30 housing.

31 (3) For a period of not less than 20 years, the

1 property and improvements are used solely for low-rent  
2 housing and related uses.

3 Property and portions of property used or intended to be used  
4 for commercial purposes are not eligible for the abatement  
5 provided in this Section.

6 A housing authority created under the Housing Authorities  
7 Act shall file annually with the county clerk for any  
8 property eligible for an abatement under this Section, on a  
9 form prescribed by the county clerk, a certificate of the  
10 property's use during the immediately preceding year. The  
11 certificate shall certify that the property or a portion of  
12 the property meets the requirements of this Section and that  
13 the eligible residential units have been inspected within the  
14 previous 90 days and meet or exceed all housing quality  
15 standards of the authority. If only a portion of the  
16 property meets these requirements, the certificate shall  
17 state the amount of that portion as a percentage of the total  
18 equalized and assessed value of the property. If the  
19 property is improved with an eligible multifamily dwelling or  
20 multi-building development containing residential units that  
21 are individually assessed, no more than 40% of those  
22 residential units may be certified. If the property is  
23 improved with an eligible multifamily dwelling or  
24 multi-building development containing residential units that  
25 are not individually assessed, the portion of the property  
26 certified shall represent no more than 40% of those  
27 residential units.

28 The county clerk shall abate the taxes only if a  
29 certificate of use has been timely filed for that year. If  
30 only a portion of the property has been certified as  
31 eligible, the county clerk shall abate the taxes in the  
32 percentage so certified.

33 Whenever property receives an abatement under this  
34 Section, the rental rate set under the lease, regulatory and

1 operating agreement, or other similar instrument for that  
2 property shall not include property taxes.

3 No property shall be eligible for abatement under this  
4 Section if the owner of the property has any outstanding and  
5 overdue debts to the municipality in which the property is  
6 situated.

7 (Source: P.A. 92-621, eff. 7-11-02; revised 11-6-02.)

8 (35 ILCS 200/18-101.47 rep.)

9 Section 22.1. The Property Tax Code is amended by  
10 repealing Section 18-101.47 as added by Public Acts 92-855  
11 and 92-884.

12 Section 22.5. The Simplified Municipal  
13 Telecommunications Tax Act is amended by changing Section  
14 5-50 as follows:

15 (35 ILCS 636/5-50)

16 Sec. 5-50. Returns to the Department.

17 (a) Commencing on February 1, 2003, for the tax imposed  
18 under subsection (a) of Section 5-20 of this Act, every  
19 retailer maintaining a place of business in this State shall,  
20 on or before the last day of each month make a return to the  
21 Department for the preceding calendar month, stating:

22 (1) Its name;

23 (2) The address of its principal place of business  
24 or the address of the principal place of business (if  
25 that is a different address) from which it engages in the  
26 business of transmitting telecommunications;

27 (3) Total amount of gross charges billed by it  
28 during the preceding calendar month for providing  
29 telecommunications during the calendar month;

30 (4) Total amount received by it during the  
31 preceding calendar month on credit extended;

- 1 (5) Deductions allowed by law;
- 2 (6) Gross charges that were billed by it during the
- 3 preceding calendar month and upon the basis of which the
- 4 tax is imposed;
- 5 (7) Amount of tax (computed upon Item 6);
- 6 (8) The municipalities to which the Department
- 7 shall remit the taxes and the amount of such remittances;
- 8 (9) Such other reasonable information as the
- 9 Department may require.

10 (b) Any retailer required to make payments under this  
11 Section may make the payments by electronic funds transfer.  
12 The Department shall adopt rules necessary to effectuate a  
13 program of electronic funds transfer. Any retailer who has  
14 average monthly tax billings due to the Department under this  
15 Act and the Telecommunications Excise Tax Act that exceed  
16 \$1,000 shall make all payments by electronic funds transfer  
17 as required by rules of the Department.

18 (c) If the retailer's average monthly tax billings due  
19 to the Department under this Act and the Telecommunications  
20 Excise Tax Act do not exceed \$1,000, the Department may  
21 authorize such retailer's returns to be filed on a  
22 quarter-annual basis, with the return for January, February,  
23 and March of a given year being due by April 30th of that  
24 year; with the return for April, May, and June of a given  
25 year being due by July 31st of that year; with the return for  
26 July, August, and September of a given year being due by  
27 October 31st of that year; and with the return for October,  
28 November, and December of a given year being due by January  
29 31st of the following year.

30 (d) If the retailer is otherwise required to file a  
31 monthly or quarterly return and if the retailer's average  
32 monthly tax billings due to the Department under this Act and  
33 the Telecommunications Excise Tax Act do not exceed \$400, the  
34 Department may authorize such retailer's return to be filed



1 on an annual basis, with the return for a given year being  
2 due by January 31st of the following year.

3 (e) Each retailer whose average monthly remittance to  
4 the Department under this Act and the Telecommunications  
5 Excise Tax Act was \$25,000 or more during the preceding  
6 calendar year, excluding the month of highest remittance and  
7 the month of lowest remittance in such calendar year, and who  
8 is not operated by a unit of local government, shall make  
9 estimated payments to the Department on or before the 7th,  
10 15th, 22nd, and last day of the month during which the tax  
11 remittance is owed to the Department in an amount not less  
12 than the lower of either 22.5% of the retailer's actual tax  
13 collections for the month or 25% of the retailer's actual tax  
14 collections for the same calendar month of the preceding  
15 year. The amount of such quarter-monthly payments shall be  
16 credited against the final remittance of the retailer's  
17 return for that month. Any outstanding credit, approved by  
18 the Department, arising from the retailer's overpayment of  
19 its final remittance for any month may be applied to reduce  
20 the amount of any subsequent quarter-monthly payment or  
21 credited against the final remittance of the retailer's  
22 return for any subsequent month. If any quarter-monthly  
23 payment is not paid at the time or in the amount required by  
24 this Section, the retailer shall be liable for penalty and  
25 interest on the difference between the minimum amount due as  
26 a payment and the amount of such payment actually and timely  
27 paid, except insofar as the retailer has previously made  
28 payments for that month to the Department or received credits  
29 in excess of the minimum payments previously due.

30 (f) Notwithstanding any other provision of this Section  
31 containing the time within which a retailer may file his or  
32 her return, in the case of any retailer who ceases to engage  
33 in a kind of business that makes him or her responsible for  
34 filing returns under this Section, the retailer shall file a

1 final return under this Section with the Department not more  
2 than one month after discontinuing such business.

3 (g) In making such return, the retailer shall determine  
4 the value of any consideration other than money received by  
5 it and such retailer shall include the value in its return.  
6 Such determination shall be subject to review and revision by  
7 the Department in the manner hereinafter provided for the  
8 correction of returns.

9 (h) Any retailer who has average monthly tax billings  
10 due to the Department under this Act and the  
11 Telecommunications Excise Tax Act that exceed \$1,000 shall  
12 file the return required by this Section by electronic means  
13 as required by rules of the Department.

14 (i) The retailer filing the return herein provided for  
15 shall, at the time of filing the return, pay to the  
16 Department the amounts due pursuant to this Act. The  
17 Department shall immediately pay over to the State Treasurer,  
18 ex officio, as trustee, 99.5% of all taxes, penalties, and  
19 interest collected hereunder for deposit into the Municipal  
20 Telecommunications Fund, which is hereby created. The  
21 remaining 0.5% received by the Department pursuant to this  
22 Act shall be deposited into the Tax Compliance and  
23 Administration Fund and shall be used by the Department,  
24 subject to appropriation, to cover the costs of the  
25 Department.

26 On or before the 25th day of each calendar month, the  
27 Department shall prepare and certify to the Comptroller the  
28 disbursement of stated sums of money to be paid to named  
29 municipalities from the Municipal Telecommunications Fund for  
30 amounts collected during the second preceding calendar month.  
31 The named municipalities shall be those municipalities  
32 identified by a retailer in such retailer's return as having  
33 imposed the tax authorized by the Act. The amount of money  
34 to be paid to each municipality shall be the amount (not

1 including credit memoranda) collected hereunder during the  
2 second preceding calendar month by the Department, plus an  
3 amount the Department determines is necessary to offset any  
4 amounts that were erroneously erroneously paid to a  
5 different taxing body, and not including an amount equal to  
6 the amount of refunds made during the second preceding  
7 calendar month by the Department on behalf of such  
8 municipality, and not including any amount that the  
9 Department determines is necessary to offset any amount that  
10 were payable to a different taxing body but were erroneously  
11 paid to the municipality. Within 10 days after receipt by  
12 the Comptroller of the disbursement certification from the  
13 Department, the Comptroller shall cause the orders to be  
14 drawn for the respective amounts in accordance with the  
15 directions contained in the certification. When certifying  
16 to the Comptroller the amount of a monthly disbursement to a  
17 municipality under this Section, the Department shall  
18 increase or decrease the amount by an amount necessary to  
19 offset any misallocation of previous disbursements. The  
20 offset amount shall be the amount erroneously disbursed  
21 within the previous 6 months from the time a misallocation is  
22 discovered.

23 (j) For municipalities with populations of less than  
24 500,000, whenever the Department determines that a refund  
25 shall be made under this Section to a claimant instead of  
26 issuing a credit memorandum, the Department shall notify the  
27 State Comptroller, who shall cause the order to be drawn for  
28 the amount specified and to the person named in the  
29 notification from the Department. The refund shall be paid  
30 by the State Treasurer out of the Municipal  
31 Telecommunications Fund.

32 (Source: P.A. 92-526, eff. 7-1-02; revised 2-17-03.)

33 Section 23. The Illinois Pension Code is amended by

1 changing Sections 8-137, 8-138, 11-134, and 11-134.1 and the  
2 Article 9 and 13 headings as follows:

3 (40 ILCS 5/8-137) (from Ch. 108 1/2, par. 8-137)

4 Sec. 8-137. Automatic increase in annuity.

5 (a) An employee who retired or retires from service  
6 after December 31, 1959 and before January 1, 1987, having  
7 attained age 60 or more, shall, in January of the year after  
8 the year in which the first anniversary of retirement occurs,  
9 have the amount of his then fixed and payable monthly annuity  
10 increased by 1 1/2%, and such first fixed annuity as granted  
11 at retirement increased by a further 1 1/2% in January of  
12 each year thereafter. Beginning with January of the year  
13 1972, such increases shall be at the rate of 2% in lieu of  
14 the aforesaid specified 1 1/2%, and beginning with January of  
15 the year 1984 such increases shall be at the rate of 3%.  
16 Beginning in January of 1999, such increases shall be at the  
17 rate of 3% of the currently payable monthly annuity,  
18 including any increases previously granted under this  
19 Article. An employee who retires on annuity after December  
20 31, 1959 and before January 1, 1987, but before age 60, shall  
21 receive such increases beginning in January of the year after  
22 the year in which he attains age 60.

23 An employee who retires from service on or after January  
24 1, 1987 shall, upon the first annuity payment date following  
25 the first anniversary of the date of retirement, or upon the  
26 first annuity payment date following attainment of age 60,  
27 whichever occurs later, have his then fixed and payable  
28 monthly annuity increased by 3%, and such annuity shall be  
29 increased by an additional 3% of the original fixed annuity  
30 on the same date each year thereafter. Beginning in January  
31 of 1999, such increases shall be at the rate of 3% of the  
32 currently payable monthly annuity, including any increases  
33 previously granted under this Article.

1 (a-5) Notwithstanding the provisions of subsection (a),  
2 upon the first annuity payment date following (1) the third  
3 anniversary of retirement, (2) the attainment of age 53, or  
4 (3) January 1, 2002, ~~the date 60 days after the effective~~  
5 ~~date of this amendatory Act of the 92nd General Assembly,~~  
6 whichever occurs latest, the monthly annuity of an employee  
7 who retires on annuity prior to the attainment of age 60 and  
8 who has not received an increase under subsection (a) shall  
9 be increased by 3%, and the such annuity shall be increased  
10 by an additional 3% of the current payable monthly annuity,  
11 including any such increases previously granted under this  
12 Article, on the same date each year thereafter. The  
13 increases provided under this subsection are in lieu of the  
14 increases provided in subsection (a).

15 (b) Subsections (a) and (a-5) are not applicable to an  
16 employee retiring and receiving a term annuity, as herein  
17 defined, nor to any otherwise qualified employee who retires  
18 before he makes employee contributions (at the 1/2 of 1% rate  
19 as provided in this Act) for this additional annuity for not  
20 less than the equivalent of one full year. Such employee,  
21 however, shall make arrangement to pay to the fund a balance  
22 of such 1/2 of 1% contributions, based on his final salary,  
23 as will bring such 1/2 of 1% contributions, computed without  
24 interest, to the equivalent of or completion of one year's  
25 contributions.

26 Beginning with January, 1960, each employee shall  
27 contribute by means of salary deductions 1/2 of 1% of each  
28 salary payment, concurrently with and in addition to the  
29 employee contributions otherwise made for annuity purposes.

30 Each such additional contribution shall be credited to an  
31 account in the prior service annuity reserve, to be used,  
32 together with city contributions, to defray the cost of the  
33 specified annuity increments. Any balance in such account at  
34 the beginning of each calendar year shall be credited with

1 interest at the rate of 3% per annum.

2 Such additional employee contributions are not  
3 refundable, except to an employee who withdraws and applies  
4 for refund under this Article, and in cases where a term  
5 annuity becomes payable. In such cases his contributions  
6 shall be refunded, without interest, and charged to such  
7 account in the prior service annuity reserve.

8 (Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02;  
9 revised 8-26-02.)

10 (40 ILCS 5/8-138) (from Ch. 108 1/2, par. 8-138)

11 Sec. 8-138. Minimum annuities - Additional provisions.

12 (a) An employee who withdraws after age 65 or more with  
13 at least 20 years of service, for whom the amount of age and  
14 service and prior service annuity combined is less than the  
15 amount stated in this Section, shall from the date of  
16 withdrawal, instead of all annuities otherwise provided, be  
17 entitled to receive an annuity for life of \$150 a year, plus  
18 1 1/2% for each year of service, to and including 20 years,  
19 and 1 2/3% for each year of service over 20 years, of his  
20 highest average annual salary for any 4 consecutive years  
21 within the last 10 years of service immediately preceding the  
22 date of withdrawal.

23 An employee who withdraws after 20 or more years of  
24 service, before age 65, shall be entitled to such annuity, to  
25 begin not earlier than upon attained age of 55 years if under  
26 such age at withdrawal, reduced by 2% for each full year or  
27 fractional part thereof that his attained age is less than  
28 65, plus an additional 2% reduction for each full year or  
29 fractional part thereof that his attained age when annuity is  
30 to begin is less than 60 so that the total reduction at age  
31 55 shall be 30%.

32 (b) An employee who withdraws after July 1, 1957, at age  
33 60 or over, with 20 or more years of service, for whom the

1 age and service and prior service annuity combined, is less  
2 than the amount stated in this paragraph, shall, from the  
3 date of withdrawal, instead of such annuities, be entitled to  
4 receive an annuity for life equal to 1 2/3% for each year of  
5 service, of the highest average annual salary for any 5  
6 consecutive years within the last 10 years of service  
7 immediately preceding the date of withdrawal; provided, that  
8 in the case of any employee who withdraws on or after July 1,  
9 1971, such employee age 60 or over with 20 or more years of  
10 service, shall receive an annuity for life equal to 1.67% for  
11 each of the first 10 years of service; 1.90% for each of the  
12 next 10 years of service; 2.10% for each year of service in  
13 excess of 20 but not exceeding 30; and 2.30% for each year of  
14 service in excess of 30, based on the highest average annual  
15 salary for any 4 consecutive years within the last 10 years  
16 of service immediately preceding the date of withdrawal.

17 An employee who withdraws after July 1, 1957 and before  
18 January 1, 1988, with 20 or more years of service, before age  
19 60 years is entitled to annuity, to begin not earlier than  
20 upon attained age of 55 years, if under such age at  
21 withdrawal, as computed in the last preceding paragraph,  
22 reduced 0.25% for each full month or fractional part thereof  
23 that his attained age when annuity is to begin is less than  
24 60 if the employee was born before January 1, 1936, or 0.5%  
25 for each such month if the employee was born on or after  
26 January 1, 1936.

27 Any employee born before January 1, 1936, who withdraws  
28 with 20 or more years of service, and any employee with 20 or  
29 more years of service who withdraws on or after January 1,  
30 1988, may elect to receive, in lieu of any other employee  
31 annuity provided in this Section, an annuity for life equal  
32 to 1.80% for each of the first 10 years of service, 2.00% for  
33 each of the next 10 years of service, 2.20% for each year of  
34 service in excess of 20 but not exceeding 30, and 2.40% for

1 each year of service in excess of 30, of the highest average  
2 annual salary for any 4 consecutive years within the last 10  
3 years of service immediately preceding the date of  
4 withdrawal, to begin not earlier than upon attained age of 55  
5 years, if under such age at withdrawal, reduced 0.25% for  
6 each full month or fractional part thereof that his attained  
7 age when annuity is to begin is less than 60; except that an  
8 employee retiring on or after January 1, 1988, at age 55 or  
9 over but less than age 60, having at least 35 years of  
10 service, or an employee retiring on or after July 1, 1990, at  
11 age 55 or over but less than age 60, having at least 30 years  
12 of service, or an employee retiring on or after the effective  
13 date of this amendatory Act of 1997, at age 55 or over but  
14 less than age 60, having at least 25 years of service, shall  
15 not be subject to the reduction in retirement annuity because  
16 of retirement below age 60.

17 However, in the case of an employee who retired on or  
18 after January 1, 1985 but before January 1, 1988, at age 55  
19 or older and with at least 35 years of service, and who was  
20 subject under this subsection (b) to the reduction in  
21 retirement annuity because of retirement below age 60, that  
22 reduction shall cease to be effective January 1, 1991, and  
23 the retirement annuity shall be recalculated accordingly.

24 Any employee who withdraws on or after July 1, 1990, with  
25 20 or more years of service, may elect to receive, in lieu of  
26 any other employee annuity provided in this Section, an  
27 annuity for life equal to 2.20% for each year of service if  
28 withdrawal is before January 1, 2002, ~~60--days--after--the~~  
29 ~~effective--date--of--this--amendatory-Act-of-the-92nd-General~~  
30 ~~Assembly,~~ or 2.40% for each year of service if withdrawal is  
31 on or after January 1, 2002, ~~60-days-after-the-effective-date~~  
32 ~~of-this-amendatory-Act-of-the-92nd-General-Assembly-or-later,~~  
33 of the highest average annual salary for any 4 consecutive  
34 years within the last 10 years of service immediately



1 preceding the date of withdrawal, to begin not earlier than  
2 upon attained age of 55 years, if under such age at  
3 withdrawal, reduced 0.25% for each full month or fractional  
4 part thereof that his attained age when annuity is to begin  
5 is less than 60; except that an employee retiring at age 55  
6 or over but less than age 60, having at least 30 years of  
7 service, shall not be subject to the reduction in retirement  
8 annuity because of retirement below age 60.

9 Any employee who withdraws on or after the effective date  
10 of this amendatory Act of 1997 with 20 or more years of  
11 service may elect to receive, in lieu of any other employee  
12 annuity provided in this Section, an annuity for life equal  
13 to 2.20% for each year of service, if withdrawal is before  
14 January 1, 2002, ~~60-days-after-the--effective--date--of--this~~  
15 ~~amendatory--Act--of--the--92nd-General-Assembly,~~ or 2.40% for  
16 each year of service if withdrawal is on or after January 1,  
17 2002, ~~60-days-after-the-effective-date-of-this-amendatory-Act~~  
18 ~~of-the-92nd-General-Assembly-or-later,~~ of the highest average  
19 annual salary for any 4 consecutive years within the last 10  
20 years of service immediately preceding the date of  
21 withdrawal, to begin not earlier than upon attainment of age  
22 55 (age 50 if the employee has at least 30 years of service),  
23 reduced 0.25% for each full month or remaining fractional  
24 part thereof that the employee's attained age when annuity is  
25 to begin is less than 60; except that an employee retiring at  
26 age 50 or over with at least 30 years of service or at age 55  
27 or over with at least 25 years of service shall not be  
28 subject to the reduction in retirement annuity because of  
29 retirement below age 60.

30 The maximum annuity payable under part (a) and (b) of  
31 this Section shall not exceed 70% of highest average annual  
32 salary in the case of an employee who withdraws prior to July  
33 1, 1971, 75% if withdrawal takes place on or after July 1,  
34 1971 and prior to January 1, 2002, ~~60--days--after--the~~

1 ~~effective--date--of--this--amendatory-Act-of-the-92nd-General~~  
2 ~~Assembly,~~ or 80% if withdrawal takes place on or after  
3 January 1, 2002 ~~is-60-days-after-the-effective-date-of-this~~  
4 ~~amendatory-Act-of-the-92nd-General-Assembly--or--later.~~ For  
5 the purpose of the minimum annuity provided in this Section  
6 \$1,500 is considered the minimum annual salary for any year;  
7 and the maximum annual salary for the computation of such  
8 annuity is \$4,800 for any year before 1953, \$6000 for the  
9 years 1953 to 1956, inclusive, and the actual annual salary,  
10 as salary is defined in this Article, for any year  
11 thereafter.

12 To preserve rights existing on December 31, 1959, for  
13 participants and contributors on that date to the fund  
14 created by the Court and Law Department Employees' Annuity  
15 Act, who became participants in the fund provided for on  
16 January 1, 1960, the maximum annual salary to be considered  
17 for such persons for the years 1955 and 1956 is \$7,500.

18 (c) For an employee receiving disability benefit, his  
19 salary for annuity purposes under paragraphs (a) and (b) of  
20 this Section, for all periods of disability benefit  
21 subsequent to the year 1956, is the amount on which his  
22 disability benefit was based.

23 (d) An employee with 20 or more years of service, whose  
24 entire disability benefit credit period expires before  
25 attainment of age 55 while still disabled for service, is  
26 entitled upon withdrawal to the larger of (1) the minimum  
27 annuity provided above, assuming he is then age 55, and  
28 reducing such annuity to its actuarial equivalent as of his  
29 attained age on such date or (2) the annuity provided from  
30 his age and service and prior service annuity credits.

31 (e) The minimum annuity provisions do not apply to any  
32 former municipal employee receiving an annuity from the fund  
33 who re-enters service as a municipal employee, unless he  
34 renders at least 3 years of additional service after the date

1 of re-entry.

2 (f) An employee in service on July 1, 1947, or who  
3 became a contributor after July 1, 1947 and before attainment  
4 of age 70, who withdraws after age 65, with less than 20  
5 years of service for whom the annuity has been fixed under  
6 this Article shall, instead of the annuity so fixed, receive  
7 an annuity as follows:

8 Such amount as he could have received had the accumulated  
9 amounts for annuity been improved with interest at the  
10 effective rate to the date of his withdrawal, or to  
11 attainment of age 70, whichever is earlier, and had the city  
12 contributed to such earlier date for age and service annuity  
13 the amount that it would have contributed had he been under  
14 age 65, after the date his annuity was fixed in accordance  
15 with this Article, and assuming his annuity were computed  
16 from such accumulations as of his age on such earlier date.  
17 The annuity so computed shall not exceed the annuity which  
18 would be payable under the other provisions of this Section  
19 if the employee was credited with 20 years of service and  
20 would qualify for annuity thereunder.

21 (g) Instead of the annuity provided in this Article, an  
22 employee having attained age 65 with at least 15 years of  
23 service who withdraws from service on or after July 1, 1971  
24 and whose annuity computed under other provisions of this  
25 Article is less than the amount provided under this  
26 paragraph, is entitled to a minimum annuity for life equal to  
27 1% of the highest average annual salary, as salary is defined  
28 and limited in this Section for any 4 consecutive years  
29 within the last 10 years of service for each year of service,  
30 plus the sum of \$25 for each year of service. The annuity  
31 shall not exceed 60% of such highest average annual salary.

32 (g-1) Instead of any other retirement annuity provided  
33 in this Article, an employee who has at least 10 years of  
34 service and withdraws from service on or after January 1,

1 1999 may elect to receive a retirement annuity for life,  
2 beginning no earlier than upon attainment of age 60, equal to  
3 2.2% if withdrawal is before January 1, 2002, ~~60--days--after~~  
4 ~~the-effective-date-of-this-amendatory-Act-of-the-92nd-General~~  
5 ~~Assembly~~ or 2.4% if withdrawal is on or after January 1,  
6 2002, ~~60-days-after-the-effective-date-of-this-amendatory-Act~~  
7 ~~of-the-92nd-General--Assembly--or--later,~~ of final average  
8 salary for each year of service, subject to a maximum of 75%  
9 of final average salary if withdrawal is before January 1,  
10 2002, or 80% if withdrawal is on or after January 1, 2002.  
11 For the purpose of calculating this annuity, "final average  
12 salary" means the highest average annual salary for any 4  
13 consecutive years in the last 10 years of service.

14 (h) The minimum annuities provided under this Section  
15 shall be paid in equal monthly installments.

16 (i) The amendatory provisions of part (b) and (g) of  
17 this Section shall be effective July 1, 1971 and apply in the  
18 case of every qualifying employee withdrawing on or after  
19 July 1, 1971.

20 (j) The amendatory provisions of this amendatory Act of  
21 1985 (P.A. 84-23) relating to the discount of annuity because  
22 of retirement prior to attainment of age 60, and to the  
23 retirement formula, for those born before January 1, 1936,  
24 shall apply only to qualifying employees withdrawing on or  
25 after July 18, 1985.

26 (j-1) The changes made to this Section by Public Act  
27 92-609 ~~this-amendatory--Act--of--the--92nd--General--Assembly~~  
28 (increasing the retirement formula to 2.4% per year of  
29 service and increasing the maximum to 80%) apply to persons  
30 who withdraw from service on or after January 1, 2002,  
31 regardless of whether that withdrawal takes place before the  
32 effective date of that ~~this-amendatory~~ Act. In the case of a  
33 person who withdraws from service on or after January 1, 2002  
34 but begins to receive a retirement annuity before July 1,

1 ~~2002 the-effective-date-of-this-amendatory-Act~~, the annuity  
2 shall be recalculated, with the increase resulting from  
3 ~~Public this-amendatory Act 92-609~~ accruing from the date the  
4 retirement annuity began. The changes made by Public Act  
5 92-609 control over the changes made by Public Act 92-599, as  
6 provided in Section 95 of P.A. 92-609.

7 (k) Beginning on January 1, 1999, the minimum amount of  
8 employee's annuity shall be \$850 per month for life for the  
9 following classes of employees, without regard to the fact  
10 that withdrawal occurred prior to the effective date of this  
11 amendatory Act of 1998:

12 (1) any employee annuitant alive and receiving a  
13 life annuity on the effective date of this amendatory Act  
14 of 1998, except a reciprocal annuity;

15 (2) any employee annuitant alive and receiving a  
16 term annuity on the effective date of this amendatory Act  
17 of 1998, except a reciprocal annuity;

18 (3) any employee annuitant alive and receiving a  
19 reciprocal annuity on the effective date of this  
20 amendatory Act of 1998, whose service in this fund is at  
21 least 5 years;

22 (4) any employee annuitant withdrawing after age 60  
23 on or after the effective date of this amendatory Act of  
24 1998, with at least 10 years of service in this fund.

25 The increases granted under items (1), (2) and (3) of  
26 this subsection (k) shall not be limited by any other Section  
27 of this Act.

28 (Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02;  
29 revised 9-11-02.)

30 (40 ILCS 5/Art. 9 heading)  
31 ARTICLE 9. COUNTY EMPLOYEES' AND OFFICERS'  
32 ANNUITY AND BENEFIT FUND - COUNTIES OVER  
33 3,000,000 5007000 INHABITANTS

1 (40 ILCS 5/11-134) (from Ch. 108 1/2, par. 11-134)  
2 Sec. 11-134. Minimum annuities.

3 (a) An employee whose withdrawal occurs after July 1,  
4 1957 at age 60 or over, with 20 or more years of service, (as  
5 service is defined or computed in Section 11-216), for whom  
6 the age and service and prior service annuity combined is  
7 less than the amount stated in this Section, shall, from and  
8 after the date of withdrawal, in lieu of all annuities  
9 otherwise provided in this Article, be entitled to receive an  
10 annuity for life of an amount equal to  $1\frac{2}{3}\%$  for each year  
11 of service, of the highest average annual salary for any 5  
12 consecutive years within the last 10 years of service  
13 immediately preceding the date of withdrawal; provided, that  
14 in the case of any employee who withdraws on or after July 1,  
15 1971, such employee age 60 or over with 20 or more years of  
16 service, shall be entitled to instead receive an annuity for  
17 life equal to 1.67% for each of the first 10 years of  
18 service; 1.90% for each of the next 10 years of service;  
19 2.10% for each year of service in excess of 20 but not  
20 exceeding 30; and 2.30% for each year of service in excess of  
21 30, based on the highest average annual salary for any 4  
22 consecutive years within the last 10 years of service  
23 immediately preceding the date of withdrawal.

24 An employee who withdraws after July 1, 1957 and before  
25 January 1, 1988, with 20 or more years of service, before age  
26 60, shall be entitled to an annuity, to begin not earlier  
27 than age 55, if under such age at withdrawal, as computed in  
28 the last preceding paragraph, reduced 0.25% if the employee  
29 was born before January 1, 1936, or 0.5% if the employee was  
30 born on or after January 1, 1936, for each full month or  
31 fractional part thereof that his attained age when such  
32 annuity is to begin is less than 60.

33 Any employee born before January 1, 1936 who withdraws  
34 with 20 or more years of service, and any employee with 20 or

1 more years of service who withdraws on or after January 1,  
2 1988, may elect to receive, in lieu of any other employee  
3 annuity provided in this Section, an annuity for life equal  
4 to 1.80% for each of the first 10 years of service, 2.00% for  
5 each of the next 10 years of service, 2.20% for each year of  
6 service in excess of 20, but not exceeding 30, and 2.40% for  
7 each year of service in excess of 30, of the highest average  
8 annual salary for any 4 consecutive years within the last 10  
9 years of service immediately preceding the date of  
10 withdrawal, to begin not earlier than upon attained age of 55  
11 years, if under such age at withdrawal, reduced 0.25% for  
12 each full month or fractional part thereof that his attained  
13 age when annuity is to begin is less than 60; except that an  
14 employee retiring on or after January 1, 1988, at age 55 or  
15 over but less than age 60, having at least 35 years of  
16 service, or an employee retiring on or after July 1, 1990, at  
17 age 55 or over but less than age 60, having at least 30 years  
18 of service, or an employee retiring on or after the effective  
19 date of this amendatory Act of 1997, at age 55 or over but  
20 less than age 60, having at least 25 years of service, shall  
21 not be subject to the reduction in retirement annuity because  
22 of retirement below age 60.

23 However, in the case of an employee who retired on or  
24 after January 1, 1985 but before January 1, 1988, at age 55  
25 or older and with at least 35 years of service, and who was  
26 subject under this subsection (a) to the reduction in  
27 retirement annuity because of retirement below age 60, that  
28 reduction shall cease to be effective January 1, 1991, and  
29 the retirement annuity shall be recalculated accordingly.

30 Any employee who withdraws on or after July 1, 1990, with  
31 20 or more years of service, may elect to receive, in lieu of  
32 any other employee annuity provided in this Section, an  
33 annuity for life equal to 2.20% for each year of service if  
34 withdrawal is before January 1, 2002, 60--days--after--the

1 effective--date--of--this--amendatory-Act-of-the-92nd-General  
2 Assembly, or 2.40% for each year of service if withdrawal is  
3 on or after January 1, 2002, 60-days-after-the-effective-date  
4 of-this-amendatory-Act-of-the-92nd-General-Assembly-or-later,  
5 of the highest average annual salary for any 4 consecutive  
6 years within the last 10 years of service immediately  
7 preceding the date of withdrawal, to begin not earlier than  
8 upon attained age of 55 years, if under such age at  
9 withdrawal, reduced 0.25% for each full month or fractional  
10 part thereof that his attained age when annuity is to begin  
11 is less than 60; except that an employee retiring at age 55  
12 or over but less than age 60, having at least 30 years of  
13 service, shall not be subject to the reduction in retirement  
14 annuity because of retirement below age 60.

15 Any employee who withdraws on or after the effective date  
16 of this amendatory Act of 1997 with 20 or more years of  
17 service may elect to receive, in lieu of any other employee  
18 annuity provided in this Section, an annuity for life equal  
19 to 2.20% for each year of service if withdrawal is before  
20 January 1, 2002, 60-days-after-the--effective--date--of--this  
21 amendatory--Act--of--the--92nd-General-Assembly, or 2.40% for  
22 each year of service if withdrawal is on or after January 1,  
23 2002, 60-days-after-the-effective-date-of-this-amendatory-Act  
24 of-the-92nd-General-Assembly-or-later, of the highest average  
25 annual salary for any 4 consecutive years within the last 10  
26 years of service immediately preceding the date of  
27 withdrawal, to begin not earlier than upon attainment of age  
28 55 (age 50 if the employee has at least 30 years of service),  
29 reduced 0.25% for each full month or remaining fractional  
30 part thereof that the employee's attained age when annuity is  
31 to begin is less than 60; except that an employee retiring at  
32 age 50 or over with at least 30 years of service or at age 55  
33 or over with at least 25 years of service shall not be  
34 subject to the reduction in retirement annuity because of



1 retirement below age 60.

2 The maximum annuity payable under this paragraph (a) of  
3 this Section shall not exceed 70% of highest average annual  
4 salary in the case of an employee who withdraws prior to July  
5 1, 1971, 75% if withdrawal takes place on or after July 1,  
6 1971 and prior to January 1, 2002, ~~60--days--after--the~~  
7 ~~effective--date--of--this--amendatory-Act-of-the-92nd-General~~  
8 ~~Assembly,~~ or 80% if withdrawal is on or after January 1, 2002  
9 ~~60-days-after-the-effective-date-of-this--amendatory--Act--of~~  
10 ~~the--92nd--General-Assembly-or-later.~~ For the purpose of the  
11 minimum annuity provided in said paragraphs \$1,500 shall be  
12 considered the minimum annual salary for any year; and the  
13 maximum annual salary to be considered for the computation of  
14 such annuity shall be \$4,800 for any year prior to 1953,  
15 \$6,000 for the years 1953 to 1956, inclusive, and the actual  
16 annual salary, as salary is defined in this Article, for any  
17 year thereafter.

18 (b) For an employee receiving disability benefit, his  
19 salary for annuity purposes under this Section shall, for all  
20 periods of disability benefit subsequent to the year 1956, be  
21 the amount on which his disability benefit was based.

22 (c) An employee with 20 or more years of service, whose  
23 entire disability benefit credit period expires prior to  
24 attainment of age 55 while still disabled for service, shall  
25 be entitled upon withdrawal to the larger of (1) the minimum  
26 annuity provided above assuming that he is then age 55, and  
27 reducing such annuity to its actuarial equivalent at his  
28 attained age on such date, or (2) the annuity provided from  
29 his age and service and prior service annuity credits.

30 (d) The minimum annuity provisions as aforesaid shall  
31 not apply to any former employee receiving an annuity from  
32 the fund, and who re-enters service as an employee, unless he  
33 renders at least 3 years of additional service after the date  
34 of re-entry.

1 (e) An employee in service on July 1, 1947, or who  
2 became a contributor after July 1, 1947 and prior to July 1,  
3 1950, or who shall become a contributor to the fund after  
4 July 1, 1950 prior to attainment of age 70, who withdraws  
5 after age 65 with less than 20 years of service, for whom the  
6 annuity has been fixed under the foregoing Sections of this  
7 Article shall, in lieu of the annuity so fixed, receive an  
8 annuity as follows:

9 Such amount as he could have received had the accumulated  
10 amounts for annuity been improved with interest at the  
11 effective rate to the date of his withdrawal, or to  
12 attainment of age 70, whichever is earlier, and had the city  
13 contributed to such earlier date for age and service annuity  
14 the amount that would have been contributed had he been under  
15 age 65, after the date his annuity was fixed in accordance  
16 with this Article, and assuming his annuity were computed  
17 from such accumulations as of his age on such earlier date.  
18 The annuity so computed shall not exceed the annuity which  
19 would be payable under the other provisions of this Section  
20 if the employee was credited with 20 years of service and  
21 would qualify for annuity thereunder.

22 (f) In lieu of the annuity provided in this or in any  
23 other Section of this Article, an employee having attained  
24 age 65 with at least 15 years of service who withdraws from  
25 service on or after July 1, 1971 and whose annuity computed  
26 under other provisions of this Article is less than the  
27 amount provided under this paragraph shall be entitled to  
28 receive a minimum annual annuity for life equal to 1% of the  
29 highest average annual salary for any 4 consecutive years  
30 within the last 10 years of service immediately preceding  
31 retirement for each year of his service plus the sum of \$25  
32 for each year of service. Such annual annuity shall not  
33 exceed the maximum percentages stated under paragraph (a) of  
34 this Section of such highest average annual salary.

1 (f-1) Instead of any other retirement annuity provided  
2 in this Article, an employee who has at least 10 years of  
3 service and withdraws from service on or after January 1,  
4 1999 may elect to receive a retirement annuity for life,  
5 beginning no earlier than upon attainment of age 60, equal to  
6 2.2% if withdrawal is before January 1, 2002, ~~60-days-after~~  
7 ~~the-effective-date-of-this-amendatory-Act-of-the-92nd-General~~  
8 ~~Assembly~~ or 2.4% for each year of service if withdrawal is on  
9 or after January 1, 2002, ~~60-days-after-the-effective-date-of~~  
10 ~~this-amendatory-Act-of-the-92nd-General-Assembly-or-later,~~ of  
11 final average salary for each year of service, subject to a  
12 maximum of 75% of final average salary if withdrawal is  
13 before January 1, 2002, ~~60-days-after-the-effective--date--of~~  
14 ~~this--amendatory--Act-of-the-92nd-General-Assembly,~~ or 80% if  
15 withdrawal is on or after January 1, 2002 ~~60-days--after--the~~  
16 ~~effective--date--of--this--amendatory-Act-of-the-92nd-General~~  
17 ~~Assembly-or-later.~~ For the purpose of calculating this  
18 annuity, "final average salary" means the highest average  
19 annual salary for any 4 consecutive years in the last 10  
20 years of service.

21 (g) Any annuity payable under the preceding subsections  
22 of this Section 11-134 shall be paid in equal monthly  
23 installments.

24 (h) The amendatory provisions of part (a) and (f) of  
25 this Section shall be effective July 1, 1971 and apply in the  
26 case of every qualifying employee withdrawing on or after  
27 July 1, 1971.

28 (h-1) The changes made to this Section by Public Act  
29 92-609 ~~this-amendatory--Act--of--the--92nd--General--Assembly~~  
30 (increasing the retirement formula to 2.4% per year of  
31 service and increasing the maximum to 80%) apply to persons  
32 who withdraw from service on or after January 1, 2002,  
33 regardless of whether that withdrawal takes place before the  
34 effective date of that ~~this-amendatory~~ Act. In the case of a

1 person who withdraws from service on or after January 1, 2002  
2 but begins to receive a retirement annuity before July 1,  
3 2002 ~~the effective date of this amendatory Act~~, the annuity  
4 shall be recalculated, with the increase resulting from  
5 Public ~~this amendatory~~ Act 92-609 accruing from the date the  
6 retirement annuity began. The changes made by Public Act  
7 92-609 control over the changes made by Public Act 92-599, as  
8 provided in Section 95 of P.A. 92-609.

9 (i) The amendatory provisions of this amendatory Act of  
10 1985 relating to the discount of annuity because of  
11 retirement prior to attainment of age 60 and increasing the  
12 retirement formula for those born before January 1, 1936,  
13 shall apply only to qualifying employees withdrawing on or  
14 after August 16, 1985.

15 (j) Beginning on January 1, 1999, the minimum amount of  
16 employee's annuity shall be \$850 per month for life for the  
17 following classes of employees, without regard to the fact  
18 that withdrawal occurred prior to the effective date of this  
19 amendatory Act of 1998:

20 (1) any employee annuitant alive and receiving a  
21 life annuity on the effective date of this amendatory Act  
22 of 1998, except a reciprocal annuity;

23 (2) any employee annuitant alive and receiving a  
24 term annuity on the effective date of this amendatory Act  
25 of 1998, except a reciprocal annuity;

26 (3) any employee annuitant alive and receiving a  
27 reciprocal annuity on the effective date of this  
28 amendatory Act of 1998, whose service in this fund is at  
29 least 5 years;

30 (4) any employee annuitant withdrawing after age 60  
31 on or after the effective date of this amendatory Act of  
32 1998, with at least 10 years of service in this fund.

33 The increases granted under items (1), (2) and (3) of  
34 this subsection (j) shall not be limited by any other Section

1 of this Act.

2 (Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02;  
3 revised 9-11-02.)

4 (40 ILCS 5/11-134.1) (from Ch. 108 1/2, par. 11-134.1)  
5 Sec. 11-134.1. Automatic increase in annuity.

6 (a) An employee who retired or retires from service  
7 after December 31, 1963, and before January 1, 1987, having  
8 attained age 60 or more, shall, in the month of January of  
9 the year following the year in which the first anniversary of  
10 retirement occurs, have the amount of his then fixed and  
11 payable monthly annuity increased by 1 1/2%, and such first  
12 fixed annuity as granted at retirement increased by a further  
13 1 1/2% in January of each year thereafter. Beginning with  
14 January of the year 1972, such increases shall be at the rate  
15 of 2% in lieu of the aforesaid specified 1 1/2%. Beginning  
16 January, 1984, such increases shall be at the rate of 3%.  
17 Beginning in January of 1999, such increases shall be at the  
18 rate of 3% of the currently payable monthly annuity,  
19 including any increases previously granted under this  
20 Article. An employee who retires on annuity after December  
21 31, 1963 and before January 1, 1987, but prior to age 60,  
22 shall receive such increases beginning with January of the  
23 year immediately following the year in which he attains the  
24 age of 60 years.

25 An employee who retires from service on or after January  
26 1, 1987 shall, upon the first annuity payment date following  
27 the first anniversary of the date of retirement, or upon the  
28 first annuity payment date following attainment of age 60,  
29 whichever occurs later, have his then fixed and payable  
30 monthly annuity increased by 3%, and such annuity shall be  
31 increased by an additional 3% of the original fixed annuity  
32 on the same date each year thereafter. Beginning in January  
33 of 1999, such increases shall be at the rate of 3% of the

1 currently payable monthly annuity, including any increases  
2 previously granted under this Article.

3 (a-5) Notwithstanding the provisions of subsection (a),  
4 upon the first annuity payment date following (1) the third  
5 anniversary of retirement, (2) the attainment of age 53, or  
6 (3) January 1, 2002, ~~the date 60 days after the effective~~  
7 ~~date of this amendatory Act of the 92nd General Assembly,~~  
8 whichever occurs latest, the monthly annuity of an employee  
9 who retires on annuity prior to the attainment of age 60 and  
10 ~~who~~ has not received an increase under subsection (a) shall  
11 be increased by 3%, and the ~~such~~ annuity shall be increased  
12 by an additional 3% of the current payable monthly annuity,  
13 including any ~~such~~ increases previously granted under this  
14 Article, on the same date each year thereafter. The  
15 increases provided under this subsection are in lieu of the  
16 increases provided in subsection (a).

17 (b) Subsections (a) and (a-5) are not applicable to an  
18 employee retiring and receiving a term annuity, as defined in  
19 this Article, nor to any otherwise qualified employee who  
20 retires before he shall have made employee contributions (at  
21 the 1/2 of 1% rate as hereinafter provided) for the purposes  
22 of this additional annuity for not less than the equivalent  
23 of one full year. Such employee, however, shall make  
24 arrangement to pay to the fund a balance of such 1/2 of 1%  
25 contributions, based on his final salary, as will bring such  
26 1/2 of 1% contributions, computed without interest, to the  
27 equivalent of or completion of one year's contributions.

28 Beginning with the month of January, 1964, each employee  
29 shall contribute by means of salary deductions 1/2 of 1% of  
30 each salary payment, concurrently with and in addition to the  
31 employee contributions otherwise made for annuity purposes.

32 Each such additional employee contribution shall be  
33 credited to an account in the prior service annuity reserve,  
34 to be used, together with city contributions, to defray the

1 cost of the specified annuity increments. Any balance as of  
2 the beginning of each calendar year existing in such account  
3 shall be credited with interest at the rate of 3% per annum.

4 Such employee contributions shall not be subject to  
5 refund, except to an employee who resigns or is discharged  
6 and applies for refund under this Article, and also in cases  
7 where a term annuity becomes payable.

8 In such cases the employee contributions shall be  
9 refunded him, without interest, and charged to the  
10 aforementioned account in the prior service annuity reserve.

11 (Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02;  
12 revised 8-26-02.)

13 (40 ILCS 5/Art. 13 heading)

14 ARTICLE 13. METROPOLITAN WATER RECLAMATION

15 DISTRICT RETIREMENT FUND SANITARY-DISTRICT

16 EMPLOYEE'S-AND-TRUSTEES'-ANNUITY-AND-BENEFIT-FUND

17 Section 24. The Interstate Compact for Adult Offender  
18 Supervision is amended by renumbering multiple versions of  
19 Section 110 as follows:

20 (45 ILCS 170/110)

21 Sec. 110. (Amendatory provisions; text omitted.)

22 (Source: P.A. 92-571, eff. 6-26-02; text omitted.)

23 (45 ILCS 170/115)

24 Sec. 115. ~~110.~~ The Unified Code of Corrections is amended  
25 by repealing Section 3-3-11.

26 (Source: P.A. 92-571, eff. 6-26-02; revised 7-15-02.)

27 Section 25. The Emergency Telephone System Act is amended  
28 by changing Section 15.3 as follows:

1 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

2 Sec. 15.3. Surcharge.

3 (a) The corporate authorities of any municipality or any  
4 county may, subject to the limitations of subsections (c),  
5 (d), and (h), and in addition to any tax levied pursuant to  
6 the Simplified Municipal Telecommunications Tax Act, impose a  
7 monthly surcharge on billed subscribers of network connection  
8 provided by telecommunication carriers engaged in the  
9 business of transmitting messages by means of electricity  
10 originating within the corporate limits of the municipality  
11 or county imposing the surcharge at a rate per network  
12 connection determined in accordance with subsection (c).  
13 Provided, however, that where multiple voice grade  
14 communications channels are connected between the  
15 subscriber's premises and a public switched network through  
16 private branch exchange (PBX) or centrex type service, a  
17 municipality imposing a surcharge at a rate per network  
18 connection, as determined in accordance with this Act, shall  
19 impose 5 such surcharges per network connection, as  
20 determined in accordance with subsections (a) and (d) of  
21 Section 2.12 of this Act. For mobile telecommunications  
22 services, if a surcharge is imposed it shall be imposed based  
23 upon the municipality or county that encompasses the  
24 customer's place of primary use as defined in the Mobile  
25 Telecommunications Sourcing Conformity Act. A municipality  
26 may enter into an intergovernmental agreement with any county  
27 in which it is partially located, when the county has adopted  
28 an ordinance to impose a surcharge as provided in subsection  
29 (c), to include that portion of the municipality lying  
30 outside the county in that county's surcharge referendum. If  
31 the county's surcharge referendum is approved, the portion of  
32 the municipality identified in the intergovernmental  
33 agreement shall automatically be disconnected from the county  
34 in which it lies and connected to the county which approved



1 the referendum for purposes of a surcharge on  
2 telecommunications carriers.

3 (b) For purposes of computing the surcharge imposed by  
4 subsection (a), the network connections to which the  
5 surcharge shall apply shall be those in-service network  
6 connections, other than those network connections assigned to  
7 the municipality or county, where the service address for  
8 each such network connection or connections is located within  
9 the corporate limits of the municipality or county levying  
10 the surcharge. Except for mobile telecommunication services,  
11 the "service address" shall mean the location of the primary  
12 use of the network connection or connections. For mobile  
13 telecommunication services, "service address" means the  
14 customer's place of primary use as defined in the Mobile  
15 Telecommunications Sourcing Conformity Act. With respect to  
16 network connections provided for use with pay telephone  
17 services for which there is no billed subscriber, the  
18 telecommunications carrier providing the network connection  
19 shall be deemed to be its own billed subscriber for purposes  
20 of applying the surcharge.

21 (c) Upon the passage of an ordinance to impose a  
22 surcharge under this Section the clerk of the municipality or  
23 county shall certify the question of whether the surcharge  
24 may be imposed to the proper election authority who shall  
25 submit the public question to the electors of the  
26 municipality or county in accordance with the general  
27 election law; provided that such question shall not be  
28 submitted at a consolidated primary election. The public  
29 question shall be in substantially the following form:

30 -----

31 Shall the county (or city, village  
32 or incorporated town) of ..... impose YES  
33 a surcharge of up to ...¢ per month per  
34 network connection, which surcharge will

1 be added to the monthly bill you receive -----  
2 for telephone or telecommunications  
3 charges, for the purpose of installing  
4 (or improving) a 9-1-1 Emergency NO  
5 Telephone System?  
6 -----

7 If a majority of the votes cast upon the public question  
8 are in favor thereof, the surcharge shall be imposed.

9 However, if a Joint Emergency Telephone System Board is  
10 to be created pursuant to an intergovernmental agreement  
11 under Section 15.4, the ordinance to impose the surcharge  
12 shall be subject to the approval of a majority of the total  
13 number of votes cast upon the public question by the electors  
14 of all of the municipalities or counties, or combination  
15 thereof, that are parties to the intergovernmental agreement.

16 The referendum requirement of this subsection (c) shall  
17 not apply to any municipality with a population over 500,000  
18 or to any county in which a proposition as to whether a  
19 sophisticated 9-1-1 Emergency Telephone System should be  
20 installed in the county, at a cost not to exceed a specified  
21 monthly amount per network connection, has previously been  
22 approved by a majority of the electors of the county voting  
23 on the proposition at an election conducted before the  
24 effective date of this amendatory Act of 1987.

25 (d) A county may not impose a surcharge, unless  
26 requested by a municipality, in any incorporated area which  
27 has previously approved a surcharge as provided in subsection  
28 (c) or in any incorporated area where the corporate  
29 authorities of the municipality have previously entered into  
30 a binding contract or letter of intent with a  
31 telecommunications carrier to provide sophisticated 9-1-1  
32 service through municipal funds.

33 (e) A municipality or county may at any time by  
34 ordinance change the rate of the surcharge imposed under this

1 Section if the new rate does not exceed the rate specified in  
2 the referendum held pursuant to subsection (c).

3 (f) The surcharge authorized by this Section shall be  
4 collected from the subscriber by the telecommunications  
5 carrier providing the subscriber the network connection as a  
6 separately stated item on the subscriber's bill.

7 (g) The amount of surcharge collected by the  
8 telecommunications carrier shall be paid to the particular  
9 municipality or county or Joint Emergency Telephone System  
10 Board not later than 30 days after the surcharge is  
11 collected, net of any network or other 9-1-1 or sophisticated  
12 9-1-1 system charges then due the particular  
13 telecommunications carrier, as shown on an itemized bill.  
14 The telecommunications carrier collecting the surcharge shall  
15 also be entitled to deduct 3% of the gross amount of  
16 surcharge collected to reimburse the telecommunications  
17 carrier for the expense of accounting and collecting the  
18 surcharge.

19 (h) Except as expressly provided in subsection (a) of  
20 this Section, a municipality with a population over 500,000  
21 may not impose a monthly surcharge in excess of \$1.25 per  
22 network connection.

23 (i) Any municipality or county or joint emergency  
24 telephone system board that has imposed a surcharge pursuant  
25 to this Section prior to the effective date of this  
26 amendatory Act of 1990 shall hereafter impose the surcharge  
27 in accordance with subsection (b) of this Section.

28 (j) The corporate authorities of any municipality or  
29 county may issue, in accordance with Illinois law, bonds,  
30 notes or other obligations secured in whole or in part by the  
31 proceeds of the surcharge described in this Section.  
32 Notwithstanding any change in law subsequent to the issuance  
33 of any bonds, notes or other obligations secured by the  
34 surcharge, every municipality or county issuing such bonds,

1 notes or other obligations shall be authorized to impose the  
2 surcharge as though the laws relating to the imposition of  
3 the surcharge in effect at the time of issuance of the bonds,  
4 notes or other obligations were in full force and effect  
5 until the bonds, notes or other obligations are paid in full.  
6 The State of Illinois pledges and agrees that it will not  
7 limit or alter the rights and powers vested in municipalities  
8 and counties by this Section to impose the surcharge so as to  
9 impair the terms of or affect the security for bonds, notes  
10 or other obligations secured in whole or in part with the  
11 proceeds of the surcharge described in this Section.

12 (k) Any surcharge collected by or imposed on a  
13 telecommunications carrier pursuant to this Section shall be  
14 held to be a special fund in trust for the municipality,  
15 county or Joint Emergency Telephone Board imposing the  
16 surcharge. Except for the 3% deduction provided in  
17 subsection (g) above, the special fund shall not be subject  
18 to the claims of creditors of the telecommunication carrier.  
19 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03;  
20 92-557, eff. 1-1-03; revised 10-2-02.)

21 Section 26. The Township Code is amended by changing  
22 Section 235-20 and setting forth and renumbering multiple  
23 versions of Section 85-50 as follows:

24 (60 ILCS 1/85-50)

25 Sec. 85-50. Demolition, repair, or enclosure of  
26 buildings.

27 (a) The township board of any township may formally  
28 request the county board to commence specified proceedings  
29 with respect to property located within the township but  
30 outside the territory of any municipality as provided in  
31 Section 5-1121 of the Counties Code. If the county board  
32 declines the request as provided in Section 5-1121 of the

1 Counties Code, the township may exercise its powers under  
2 this Section.

3 (b) The township board of each township may demolish,  
4 repair, or enclose or cause the demolition, repair, or  
5 enclosure of dangerous and unsafe buildings or uncompleted  
6 and abandoned buildings within the territory of the township  
7 and may remove or cause the removal of garbage, debris, and  
8 other hazardous, noxious, or unhealthy substances or  
9 materials from those buildings.

10 The township board shall apply to the circuit court of  
11 the county in which the building is located (i) for an order  
12 authorizing action to be taken with respect to a building if  
13 the owner or owners of the building, including the lien  
14 holders of record, after at least 15 days' written notice by  
15 mail to do so, have failed to commence proceedings to put the  
16 building in a safe condition or to demolish it or (ii) for an  
17 order requiring the owner or owners of record to demolish,  
18 repair, or enclose the building or to remove garbage, debris,  
19 and other hazardous, noxious, or unhealthy substances or  
20 materials from the building. It is not a defense to the  
21 cause of action that the building is boarded up or otherwise  
22 enclosed, although the court may order the defendant to have  
23 the building boarded up or otherwise enclosed. Where, upon  
24 diligent search, the identity or whereabouts of the owner or  
25 owners of the building, including the lien holders of record,  
26 is not ascertainable, notice mailed to the person or persons  
27 in whose name the real estate was last assessed and the  
28 posting of the notice upon the premises sought to be  
29 demolished or repaired is sufficient notice under this  
30 Section.

31 The hearing upon the application to the circuit court  
32 shall be expedited by the court and shall be given precedence  
33 over all other suits.

34 The cost of the demolition, repair, enclosure, or removal

1 incurred by the township, by an intervenor, or by a lien  
2 holder of record, including court costs, attorney's fees, and  
3 other costs related to the enforcement of this Section, is  
4 recoverable from the owner or owners of the real estate or  
5 the previous owner or both if the property was transferred  
6 during the 15-day notice period and is a lien on the real  
7 estate if, within 180 days after the repair, demolition,  
8 enclosure, or removal, the township, the lien holder of  
9 record, or the intervenor who incurred the cost and expense  
10 shall file a notice of lien for the cost and expense incurred  
11 in the office of the recorder in the county in which the real  
12 estate is located or in the office of the registrar of titles  
13 of the county if the real estate affected is registered under  
14 the Registered Titles (Torrens) Act. The lien becomes  
15 effective at the time of filing.

16 The notice must consist of a sworn statement setting out  
17 (1) a description of the real estate sufficient for its  
18 identification, (2) the amount of money representing the cost  
19 and expense incurred, and (3) the date or dates when the cost  
20 and expense was incurred by the township, the lien holder of  
21 record, or the intervenor. Upon payment of the cost and  
22 expense by the owner of or persons interested in the property  
23 after the notice of lien has been filed, the lien shall be  
24 released by the township, the person in whose name the lien  
25 has been filed, or the assignee of the lien, and the release  
26 may be filed of record as in the case of filing notice of  
27 lien. Unless the lien is enforced under subsection (c), the  
28 lien may be enforced by foreclosure proceedings as in the  
29 case of mortgage foreclosures under Article XV of the Code of  
30 Civil Procedure or mechanics' lien foreclosures. An action to  
31 foreclose this lien may be commenced at any time after the  
32 date of filing of the notice of lien. The costs of  
33 foreclosure incurred by the township, including court costs,  
34 reasonable attorney's fees, advances to preserve the

1 property, and other costs related to the enforcement of this  
2 subsection, plus statutory interest, are a lien on the real  
3 estate and are recoverable by the township from the owner or  
4 owners of the real estate.

5 All liens arising under this subsection (b) shall be  
6 assignable. The assignee of the lien shall have the same  
7 power to enforce the lien as the assigning party, except that  
8 the lien may not be enforced under subsection (c).

9 (c) In any case where a township has obtained a lien  
10 under subsection (b), the township may enforce the lien under  
11 this subsection (c) in the same proceeding in which the lien  
12 is authorized.

13 A township desiring to enforce a lien under this  
14 subsection (c) shall petition the court to retain  
15 jurisdiction for foreclosure proceedings under this  
16 subsection. Notice of the petition shall be served, by  
17 certified or registered mail, on all persons who were served  
18 notice under subsection (b). The court shall conduct a  
19 hearing on the petition not less than 15 days after the  
20 notice is served. If the court determines that the  
21 requirements of this subsection (c) have been satisfied, it  
22 shall grant the petition and retain jurisdiction over the  
23 matter until the foreclosure proceeding is completed. The  
24 costs of foreclosure incurred by the township, including  
25 court costs, reasonable attorneys' fees, advances to preserve  
26 the property, and other costs related to the enforcement of  
27 this subsection, plus statutory interest, are a lien on the  
28 real estate and are recoverable by the township from the  
29 owner or owners of the real estate. If the court denies the  
30 petition, the township may enforce the lien in a separate  
31 action as provided in subsection (b).

32 All persons designated in Section 15-1501 of the Code of  
33 Civil Procedure as necessary parties in a mortgage  
34 foreclosure action shall be joined as parties before issuance

1 of an order of foreclosure. Persons designated in Section  
2 15-1501 of the Code of Civil Procedure as permissible parties  
3 may also be joined as parties in the action.

4 The provisions of Article XV of the Code of Civil  
5 Procedure applicable to mortgage foreclosures shall apply to  
6 the foreclosure of a lien under this subsection (c), except  
7 to the extent that those provisions are inconsistent with  
8 this subsection. For purposes of foreclosures of liens  
9 under this subsection, however, the redemption period  
10 described in subsection (c) of Section 15-1603 of the Code of  
11 Civil Procedure shall end 60 days after the date of entry of  
12 the order of foreclosure.

13 (d) In addition to any other remedy provided by law, the  
14 township board of any township may petition the circuit court  
15 to have property declared abandoned under this subsection (d)  
16 if:

17 (1) the property has been tax delinquent for 2 or  
18 more years or bills for water service for the property  
19 have been outstanding for 2 or more years;

20 (2) the property is unoccupied by persons legally  
21 in possession; and

22 (3) the property contains a dangerous or unsafe  
23 building.

24 All persons having an interest of record in the property,  
25 including tax purchasers and beneficial owners of any  
26 Illinois land trust having title to the property, shall be  
27 named as defendants in the petition and shall be served with  
28 process. In addition, service shall be had under Section  
29 2-206 of the Code of Civil Procedure as in other cases  
30 affecting property.

31 The township, however, may proceed under this subsection  
32 in a proceeding brought under subsection (b). Notice of the  
33 petition shall be served by certified or registered mail on  
34 all persons who were served notice under subsection (b).



1 If the township proves that the conditions described in  
2 this subsection exist and the owner of record of the property  
3 does not enter an appearance in the action, or, if title to  
4 the property is held by an Illinois land trust, if neither  
5 the owner of record nor the owner of the beneficial interest  
6 of the trust enters an appearance, the court shall declare  
7 the property abandoned.

8 If that determination is made, notice shall be sent by  
9 certified or registered mail to all persons having an  
10 interest of record in the property, including tax purchasers  
11 and beneficial owners of any Illinois land trust having title  
12 to the property, stating that title to the property will be  
13 transferred to the township unless, within 30 days of the  
14 notice, the owner of record enters an appearance in the  
15 action, or unless any other person having an interest in the  
16 property files with the court a request to demolish the  
17 dangerous or unsafe building or to put the building in safe  
18 condition.

19 If the owner of record enters an appearance in the action  
20 within the 30-day period, the court shall vacate its order  
21 declaring the property abandoned. In that case, the township  
22 may amend its complaint in order to initiate proceedings  
23 under subsection (b).

24 If a request to demolish or repair the building is filed  
25 within the 30-day period, the court shall grant permission to  
26 the requesting party to demolish the building within 30 days  
27 or to restore the building to safe condition within 60 days  
28 after the request is granted. An extension of that period  
29 for up to 60 additional days may be given for good cause. If  
30 more than one person with an interest in the property files a  
31 timely request, preference shall be given to the person with  
32 the lien or other interest of the highest priority.

33 If the requesting party proves to the court that the  
34 building has been demolished or put in a safe condition

1 within the period of time granted by the court, the court  
2 shall issue a quitclaim judicial deed for the property to the  
3 requesting party, conveying only the interest of the owner of  
4 record, upon proof of payment to the township of all costs  
5 incurred by the township in connection with the action,  
6 including but not limited to court costs, attorney's fees,  
7 administrative costs, the costs, if any, associated with  
8 building enclosure or removal, and receiver's certificates.  
9 The interest in the property so conveyed shall be subject to  
10 all liens and encumbrances on the property. In addition, if  
11 the interest is conveyed to a person holding a certificate of  
12 purchase for the property under the Property Tax Code, the  
13 conveyance shall be subject to the rights of redemption of  
14 all persons entitled to redeem under that Act, including the  
15 original owner of record.

16 If no person with an interest in the property files a  
17 timely request or if the requesting party fails to demolish  
18 the building or put the building in safe condition within the  
19 time specified by the court, the township may petition the  
20 court to issue a judicial deed for the property to the  
21 county. A conveyance by judicial deed shall operate to  
22 extinguish all existing ownership interests in, liens on, and  
23 other interest in the property, including tax liens.

24 (e) This Section applies only to requests made by  
25 townships under subsection (a) before January 1, 2006 and  
26 proceedings to implement or enforce this Section with respect  
27 to matters related to or arising from those requests.

28 (Source: P.A. 92-347, eff. 8-15-01.)

29 (60 ILCS 1/85-55)

30 Sec. ~~85-55~~ 85-50. Horse-drawn vehicles. The township  
31 board may, by ordinance, license and regulate horse-drawn  
32 vehicles operating within the township. The ordinance may  
33 also (i) prescribe regulations for the safe operation of

1 horse-drawn vehicles and (ii) require the examination of  
2 persons operating a horse-drawn vehicle. Any annual fee  
3 charged for a license to operate a horse-drawn vehicle may  
4 not exceed \$50. Any fees charged for a license to operate a  
5 horse-drawn vehicle within the township must be used for the  
6 improvement of township roads.

7 For the purposes of this Section, "horse-drawn vehicle"  
8 means any vehicle powered by any animal of the equine family.  
9 (Source: P.A. 92-613, eff. 1-1-03; revised 8-26-02.)

10 (60 ILCS 1/235-20)

11 Sec. 235-20. General assistance tax.

12 (a) The township board may raise money by taxation  
13 deemed necessary to be expended to provide general assistance  
14 in the township to persons needing that assistance as  
15 provided in the Illinois Public Aid Code, including persons  
16 eligible for assistance under the Military Veterans  
17 Assistance Act, where that duty is provided by law. The tax  
18 for each fiscal year shall not be more than 0.10% of value,  
19 or more than an amount approved at a referendum held under  
20 this Section, as equalized or assessed by the Department of  
21 Revenue, and shall in no case exceed the amount needed in the  
22 township for general assistance. The board may decrease the  
23 maximum tax rate by ordinance.

24 (b) Except as otherwise provided in this subsection, if  
25 the board desires to increase the maximum tax rate, it shall  
26 order a referendum on that proposition to be held at an  
27 election in accordance with the general election law. The  
28 board shall certify the proposition to the proper election  
29 officials, who shall submit the proposition to the voters at  
30 an election in accordance with the general election law. If  
31 a majority of the votes cast on the proposition is in favor  
32 of the proposition, the board may annually levy the tax at a  
33 rate not exceeding the higher rate approved by the voters at

1 the election. If, however, the board has decreased the  
2 maximum tax rate under subsection (a), then it may, at any  
3 time after the decrease, increase the maximum tax rate, by  
4 ordinance, to a rate less than or equal to the maximum tax  
5 rate immediately prior to the board's ordinance to decrease  
6 the rate.

7 (c) If a city, village, or incorporated town having a  
8 population of more than 500,000 is located within or  
9 partially within a township, then the entire amount of the  
10 tax levied by the township for the purpose of providing  
11 general assistance under this Section on property lying  
12 within that city, village, or incorporated town, less the  
13 amount allowed for collecting the tax, shall be paid over by  
14 the treasurer of the township to the treasurer of the city,  
15 village, or incorporated town to be appropriated and used by  
16 the city, village, or incorporated town for the relief and  
17 support of persons needing general assistance residing in  
18 that portion of the city, village, or incorporated town  
19 located within the township in accordance with the Illinois  
20 Public Aid Code.

21 (d) Any taxes levied for general assistance before or  
22 after this Section takes effect may also be used for the  
23 payment of warrants issued against and in anticipation of  
24 those taxes and accrued interest on those warrants and may  
25 also be used to pay the cost of administering that  
26 assistance.

27 (e) In any township with a population of less than  
28 500,000 that receives no State funding for the general  
29 assistance program and that has not issued anticipation  
30 warrants or otherwise borrowed monies for the administration  
31 of the general assistance program during the township's  
32 previous 3 fiscal years of operation, a one time transfer of  
33 monies from the township's general assistance fund may be  
34 made to the general township fund pursuant to action by the

1 township board. This transfer may occur only to the extent  
2 that the amount of monies remaining in the general assistance  
3 fund after the transfer is equal to the greater of (i) the  
4 amount of the township's expenditures in the previous fiscal  
5 year for general assistance or (ii) an amount equal to either  
6 0.10% of the last known total equalized value of all taxable  
7 property in the township, or 100% of the highest amount  
8 levied for general assistance purposes in any of the three  
9 previous fiscal years. The transfer shall be completed no  
10 later than one year after the effective date of this  
11 amendatory Act of the 92nd General Assembly. No township  
12 that has certified a new levy or an increase in the levy  
13 under this Section during calendar year 2002 may transfer  
14 monies under this subsection. No action on the transfer of  
15 monies under this subsection shall be taken by the township  
16 board except at a township board meeting. No monies  
17 transferred under this subsection shall be considered in  
18 determining whether the township qualifies for State funds to  
19 supplement local funds for public aid purposes under Section  
20 12-21.13 of the Illinois Public Aid Code.

21 (Source: P.A. 92-558, eff. 6-24-02; 92-718, eff. 7-25-02;  
22 revised 9-9-02.)

23 Section 28. The Illinois Municipal Code is amended by  
24 changing Sections 8-11-1.2 and 11-31-1 as follows:

25 (65 ILCS 5/8-11-1.2) (from Ch. 24, par. 8-11-1.2)

26 Sec. 8-11-1.2. Definition. As used in Sections  
27 8-11-1.3, 8-11-1.4 and 8-11-1.5 of this Act:

28 (a) "Public infrastructure" means municipal roads and  
29 streets, access roads, bridges, and sidewalks; waste disposal  
30 systems; and water and sewer line extensions, water  
31 distribution and purification facilities, storm water  
32 drainage and retention facilities, and sewage treatment

1 facilities. For purposes of referenda authorizing the  
2 imposition of taxes by the City of DuQuoin under Sections  
3 8-11-1.3, 8-11-1.4, and 8-11-1.5 of this Act that are  
4 approved in November, 2002, "public infrastructure" shall  
5 also include public schools.

6 (b) "Property tax relief" means the action of a  
7 municipality to reduce the levy for real estate taxes or  
8 avoid an increase in the levy for real estate taxes that  
9 would otherwise have been required. Property tax relief or  
10 the avoidance of property tax must uniformly apply to all  
11 classes of property.

12 (Source: P.A. 91-51, eff. 6-30-99; 92-739, eff. 1-1-03;  
13 92-815, eff. 8-21-02; revised 9-10-02.)

14 (65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

15 Sec. 11-31-1. Demolition, repair, enclosure, or  
16 remediation.

17 (a) The corporate authorities of each municipality may  
18 demolish, repair, or enclose or cause the demolition, repair,  
19 or enclosure of dangerous and unsafe buildings or uncompleted  
20 and abandoned buildings within the territory of the  
21 municipality and may remove or cause the removal of garbage,  
22 debris, and other hazardous, noxious, or unhealthy substances  
23 or materials from those buildings. In any county having  
24 adopted by referendum or otherwise a county health department  
25 as provided by Division 5-25 of the Counties Code or its  
26 predecessor, the county board of that county may exercise  
27 those powers with regard to dangerous and unsafe buildings or  
28 uncompleted and abandoned buildings within the territory of  
29 any city, village, or incorporated town having less than  
30 50,000 population.

31 The corporate authorities shall apply to the circuit  
32 court of the county in which the building is located (i) for  
33 an order authorizing action to be taken with respect to a

1 building if the owner or owners of the building, including  
2 the lien holders of record, after at least 15 days' written  
3 notice by mail so to do, have failed to put the building in a  
4 safe condition or to demolish it or (ii) for an order  
5 requiring the owner or owners of record to demolish, repair,  
6 or enclose the building or to remove garbage, debris, and  
7 other hazardous, noxious, or unhealthy substances or  
8 materials from the building. It is not a defense to the  
9 cause of action that the building is boarded up or otherwise  
10 enclosed, although the court may order the defendant to have  
11 the building boarded up or otherwise enclosed. Where, upon  
12 diligent search, the identity or whereabouts of the owner or  
13 owners of the building, including the lien holders of record,  
14 is not ascertainable, notice mailed to the person or persons  
15 in whose name the real estate was last assessed is sufficient  
16 notice under this Section.

17 The hearing upon the application to the circuit court  
18 shall be expedited by the court and shall be given precedence  
19 over all other suits. Any person entitled to bring an action  
20 under subsection (b) shall have the right to intervene in an  
21 action brought under this Section.

22 The cost of the demolition, repair, enclosure, or removal  
23 incurred by the municipality, by an intervenor, or by a lien  
24 holder of record, including court costs, attorney's fees, and  
25 other costs related to the enforcement of this Section, is  
26 recoverable from the owner or owners of the real estate or  
27 the previous owner or both if the property was transferred  
28 during the 15 day notice period and is a lien on the real  
29 estate; the lien is superior to all prior existing liens and  
30 encumbrances, except taxes, if, within 180 days after the  
31 repair, demolition, enclosure, or removal, the municipality,  
32 the lien holder of record, or the intervenor who incurred the  
33 cost and expense shall file a notice of lien for the cost and  
34 expense incurred in the office of the recorder in the county

1 in which the real estate is located or in the office of the  
2 registrar of titles of the county if the real estate affected  
3 is registered under the Registered Titles (Torrens) Act.

4 The notice must consist of a sworn statement setting out  
5 (1) a description of the real estate sufficient for its  
6 identification, (2) the amount of money representing the cost  
7 and expense incurred, and (3) the date or dates when the cost  
8 and expense was incurred by the municipality, the lien holder  
9 of record, or the intervenor. Upon payment of the cost and  
10 expense by the owner of or persons interested in the property  
11 after the notice of lien has been filed, the lien shall be  
12 released by the municipality, the person in whose name the  
13 lien has been filed, or the assignee of the lien, and the  
14 release may be filed of record as in the case of filing  
15 notice of lien. Unless the lien is enforced under subsection  
16 (c), the lien may be enforced by foreclosure proceedings as  
17 in the case of mortgage foreclosures under Article XV of the  
18 Code of Civil Procedure or mechanics' lien foreclosures. An  
19 action to foreclose this lien may be commenced at any time  
20 after the date of filing of the notice of lien. The costs of  
21 foreclosure incurred by the municipality, including court  
22 costs, reasonable attorney's fees, advances to preserve the  
23 property, and other costs related to the enforcement of this  
24 subsection, plus statutory interest, are a lien on the real  
25 estate and are recoverable by the municipality from the owner  
26 or owners of the real estate.

27 All liens arising under this subsection (a) shall be  
28 assignable. The assignee of the lien shall have the same  
29 power to enforce the lien as the assigning party, except that  
30 the lien may not be enforced under subsection (c).

31 If the appropriate official of any municipality  
32 determines that any dangerous and unsafe building or  
33 uncompleted and abandoned building within its territory  
34 fulfills the requirements for an action by the municipality



1 under the Abandoned Housing Rehabilitation Act, the  
2 municipality may petition under that Act in a proceeding  
3 brought under this subsection.

4 (b) Any owner or tenant of real property within 1200  
5 feet in any direction of any dangerous or unsafe building  
6 located within the territory of a municipality with a  
7 population of 500,000 or more may file with the appropriate  
8 municipal authority a request that the municipality apply to  
9 the circuit court of the county in which the building is  
10 located for an order permitting the demolition, removal of  
11 garbage, debris, and other noxious or unhealthy substances  
12 and materials from, or repair or enclosure of the building in  
13 the manner prescribed in subsection (a) of this Section. If  
14 the municipality fails to institute an action in circuit  
15 court within 90 days after the filing of the request, the  
16 owner or tenant of real property within 1200 feet in any  
17 direction of the building may institute an action in circuit  
18 court seeking an order compelling the owner or owners of  
19 record to demolish, remove garbage, debris, and other noxious  
20 or unhealthy substances and materials from, repair or enclose  
21 or to cause to be demolished, have garbage, debris, and other  
22 noxious or unhealthy substances and materials removed from,  
23 repaired, or enclosed the building in question. A private  
24 owner or tenant who institutes an action under the preceding  
25 sentence shall not be required to pay any fee to the clerk of  
26 the circuit court. The cost of repair, removal, demolition,  
27 or enclosure shall be borne by the owner or owners of record  
28 of the building. In the event the owner or owners of record  
29 fail to demolish, remove garbage, debris, and other noxious  
30 or unhealthy substances and materials from, repair, or  
31 enclose the building within 90 days of the date the court  
32 entered its order, the owner or tenant who instituted the  
33 action may request that the court join the municipality as a  
34 party to the action. The court may order the municipality to

1 demolish, remove materials from, repair, or enclose the  
2 building, or cause that action to be taken upon the request  
3 of any owner or tenant who instituted the action or upon the  
4 municipality's request. The municipality may file, and the  
5 court may approve, a plan for rehabilitating the building in  
6 question. A court order authorizing the municipality to  
7 demolish, remove materials from, repair, or enclose a  
8 building, or cause that action to be taken, shall not  
9 preclude the court from adjudging the owner or owners of  
10 record of the building in contempt of court due to the  
11 failure to comply with the order to demolish, remove garbage,  
12 debris, and other noxious or unhealthy substances and  
13 materials from, repair, or enclose the building.

14 If a municipality or a person or persons other than the  
15 owner or owners of record pay the cost of demolition, removal  
16 of garbage, debris, and other noxious or unhealthy substances  
17 and materials, repair, or enclosure pursuant to a court  
18 order, the cost, including court costs, attorney's fees, and  
19 other costs related to the enforcement of this subsection, is  
20 recoverable from the owner or owners of the real estate and  
21 is a lien on the real estate; the lien is superior to all  
22 prior existing liens and encumbrances, except taxes, if,  
23 within 180 days after the repair, removal, demolition, or  
24 enclosure, the municipality or the person or persons who paid  
25 the costs of demolition, removal, repair, or enclosure shall  
26 file a notice of lien of the cost and expense incurred in the  
27 office of the recorder in the county in which the real estate  
28 is located or in the office of the registrar of the county if  
29 the real estate affected is registered under the Registered  
30 Titles (Torrens) Act. The notice shall be in a form as is  
31 provided in subsection (a). An owner or tenant who  
32 institutes an action in circuit court seeking an order to  
33 compel the owner or owners of record to demolish, remove  
34 materials from, repair, or enclose any dangerous or unsafe

1 building, or to cause that action to be taken under this  
2 subsection may recover court costs and reasonable attorney's  
3 fees for instituting the action from the owner or owners of  
4 record of the building. Upon payment of the costs and  
5 expenses by the owner or a person interested in the  
6 property after the notice of lien has been filed, the lien  
7 shall be released by the municipality or the person in whose  
8 name the lien has been filed or his or her assignee, and the  
9 release may be filed of record as in the case of filing a  
10 notice of lien. Unless the lien is enforced under subsection  
11 (c), the lien may be enforced by foreclosure proceedings as  
12 in the case of mortgage foreclosures under Article XV of the  
13 Code of Civil Procedure or mechanics' lien foreclosures. An  
14 action to foreclose this lien may be commenced at any time  
15 after the date of filing of the notice of lien. The costs of  
16 foreclosure incurred by the municipality, including court  
17 costs, reasonable attorneys' fees, advances to preserve the  
18 property, and other costs related to the enforcement of this  
19 subsection, plus statutory interest, are a lien on the real  
20 estate and are recoverable by the municipality from the owner  
21 or owners of the real estate.

22 All liens arising under the terms of this subsection (b)  
23 shall be assignable. The assignee of the lien shall have the  
24 same power to enforce the lien as the assigning party, except  
25 that the lien may not be enforced under subsection (c).

26 (c) In any case where a municipality has obtained a lien  
27 under subsection (a), (b), or (f), the municipality may  
28 enforce the lien under this subsection (c) in the same  
29 proceeding in which the lien is authorized.

30 A municipality desiring to enforce a lien under this  
31 subsection (c) shall petition the court to retain  
32 jurisdiction for foreclosure proceedings under this  
33 subsection. Notice of the petition shall be served, by  
34 certified or registered mail, on all persons who were served

1 notice under subsection (a), (b), or (f). The court shall  
2 conduct a hearing on the petition not less than 15 days after  
3 the notice is served. If the court determines that the  
4 requirements of this subsection (c) have been satisfied, it  
5 shall grant the petition and retain jurisdiction over the  
6 matter until the foreclosure proceeding is completed. The  
7 costs of foreclosure incurred by the municipality, including  
8 court costs, reasonable attorneys' fees, advances to preserve  
9 the property, and other costs related to the enforcement of  
10 this subsection, plus statutory interest, are a lien on the  
11 real estate and are recoverable by the municipality from the  
12 owner or owners of the real estate. If the court denies the  
13 petition, the municipality may enforce the lien in a separate  
14 action as provided in subsection (a), (b), or (f).

15 All persons designated in Section 15-1501 of the Code of  
16 Civil Procedure as necessary parties in a mortgage  
17 foreclosure action shall be joined as parties before issuance  
18 of an order of foreclosure. Persons designated in Section  
19 15-1501 of the Code of Civil Procedure as permissible parties  
20 may also be joined as parties in the action.

21 The provisions of Article XV of the Code of Civil  
22 Procedure applicable to mortgage foreclosures shall apply to  
23 the foreclosure of a lien under this subsection (c), except  
24 to the extent that those provisions are inconsistent with  
25 this subsection. For purposes of foreclosures of liens  
26 under this subsection, however, the redemption period  
27 described in subsection (b) of Section 15-1603 of the Code of  
28 Civil Procedure shall end 60 days after the date of entry of  
29 the order of foreclosure.

30 (d) In addition to any other remedy provided by law, the  
31 corporate authorities of any municipality may petition the  
32 circuit court to have property declared abandoned under this  
33 subsection (d) if:

- 34 (1) the property has been tax delinquent for 2 or

1 more years or bills for water service for the property  
2 have been outstanding for 2 or more years;

3 (2) the property is unoccupied by persons legally  
4 in possession; and

5 (3) the property contains a dangerous or unsafe  
6 building.

7 All persons having an interest of record in the property,  
8 including tax purchasers and beneficial owners of any  
9 Illinois land trust having title to the property, shall be  
10 named as defendants in the petition and shall be served with  
11 process. In addition, service shall be had under Section  
12 2-206 of the Code of Civil Procedure as in other cases  
13 affecting property.

14 The municipality, however, may proceed under this  
15 subsection in a proceeding brought under subsection (a) or  
16 (b). Notice of the petition shall be served by certified or  
17 registered mail on all persons who were served notice under  
18 subsection (a) or (b).

19 If the municipality proves that the conditions described  
20 in this subsection exist and the owner of record of the  
21 property does not enter an appearance in the action, or, if  
22 title to the property is held by an Illinois land trust, if  
23 neither the owner of record nor the owner of the beneficial  
24 interest of the trust enters an appearance, the court shall  
25 declare the property abandoned.

26 If that determination is made, notice shall be sent by  
27 certified or registered mail to all persons having an  
28 interest of record in the property, including tax purchasers  
29 and beneficial owners of any Illinois land trust having title  
30 to the property, stating that title to the property will be  
31 transferred to the municipality unless, within 30 days of the  
32 notice, the owner of record enters an appearance in the  
33 action, or unless any other person having an interest in the  
34 property files with the court a request to demolish the

1 dangerous or unsafe building or to put the building in safe  
2 condition.

3 If the owner of record enters an appearance in the action  
4 within the 30 day period, the court shall vacate its order  
5 declaring the property abandoned. In that case, the  
6 municipality may amend its complaint in order to initiate  
7 proceedings under subsection (a).

8 If a request to demolish or repair the building is filed  
9 within the 30 day period, the court shall grant permission to  
10 the requesting party to demolish the building within 30 days  
11 or to restore the building to safe condition within 60 days  
12 after the request is granted. An extension of that period  
13 for up to 60 additional days may be given for good cause. If  
14 more than one person with an interest in the property files a  
15 timely request, preference shall be given to the person with  
16 the lien or other interest of the highest priority.

17 If the requesting party proves to the court that the  
18 building has been demolished or put in a safe condition  
19 within the period of time granted by the court, the court  
20 shall issue a quitclaim judicial deed for the property to the  
21 requesting party, conveying only the interest of the owner of  
22 record, upon proof of payment to the municipality of all  
23 costs incurred by the municipality in connection with the  
24 action, including but not limited to court costs, attorney's  
25 fees, administrative costs, the costs, if any, associated  
26 with building enclosure or removal, and receiver's  
27 certificates. The interest in the property so conveyed shall  
28 be subject to all liens and encumbrances on the property. In  
29 addition, if the interest is conveyed to a person holding a  
30 certificate of purchase for the property under the Property  
31 Tax Code, the conveyance shall be subject to the rights of  
32 redemption of all persons entitled to redeem under that Act,  
33 including the original owner of record.

34 If no person with an interest in the property files a

1 timely request or if the requesting party fails to demolish  
2 the building or put the building in safe condition within the  
3 time specified by the court, the municipality may petition  
4 the court to issue a judicial deed for the property to the  
5 municipality. A conveyance by judicial deed shall operate to  
6 extinguish all existing ownership interests in, liens on, and  
7 other interest in the property, including tax liens, and  
8 shall extinguish the rights and interests of any and all  
9 holders of a bona fide certificate of purchase of the  
10 property for delinquent taxes. Any such bona fide  
11 certificate of purchase holder shall be entitled to a sale in  
12 error as prescribed under Section 21-310 of the Property Tax  
13 Code.

14 (e) Each municipality may use the provisions of this  
15 subsection to expedite the removal of certain buildings that  
16 are a continuing hazard to the community in which they are  
17 located.

18 If a residential or commercial building is 3 stories or  
19 less in height as defined by the municipality's building  
20 code, and the corporate official designated to be in charge  
21 of enforcing the municipality's building code determines that  
22 the building is open and vacant and an immediate and  
23 continuing hazard to the community in which the building is  
24 located, then the official shall be authorized to post a  
25 notice not less than 2 feet by 2 feet in size on the front of  
26 the building. The notice shall be dated as of the date of  
27 the posting and shall state that unless the building is  
28 demolished, repaired, or enclosed, and unless any garbage,  
29 debris, and other hazardous, noxious, or unhealthy substances  
30 or materials are removed so that an immediate and continuing  
31 hazard to the community no longer exists, then the building  
32 may be demolished, repaired, or enclosed, or any garbage,  
33 debris, and other hazardous, noxious, or unhealthy substances  
34 or materials may be removed, by the municipality.

1 Not later than 30 days following the posting of the  
2 notice, the municipality shall do all of the following:

3 (1) Cause to be sent, by certified mail, return  
4 receipt requested, a Notice to Remediate to all owners  
5 of record of the property, the beneficial owners of any  
6 Illinois land trust having title to the property, and all  
7 lienholders of record in the property, stating the intent  
8 of the municipality to demolish, repair, or enclose the  
9 building or remove any garbage, debris, or other  
10 hazardous, noxious, or unhealthy substances or materials  
11 if that action is not taken by the owner or owners.

12 (2) Cause to be published, in a newspaper published  
13 or circulated in the municipality where the building is  
14 located, a notice setting forth (i) the permanent tax  
15 index number and the address of the building, (ii) a  
16 statement that the property is open and vacant and  
17 constitutes an immediate and continuing hazard to the  
18 community, and (iii) a statement that the municipality  
19 intends to demolish, repair, or enclose the building or  
20 remove any garbage, debris, or other hazardous, noxious,  
21 or unhealthy substances or materials if the owner or  
22 owners or lienholders of record fail to do so. This  
23 notice shall be published for 3 consecutive days.

24 (3) Cause to be recorded the Notice to Remediate  
25 mailed under paragraph (1) in the office of the recorder  
26 in the county in which the real estate is located or in  
27 the office of the registrar of titles of the county if  
28 the real estate is registered under the Registered Title  
29 (Torrens) Act.

30 Any person or persons with a current legal or equitable  
31 interest in the property objecting to the proposed actions of  
32 the corporate authorities may file his or her objection in an  
33 appropriate form in a court of competent jurisdiction.

34 If the building is not demolished, repaired, or enclosed,



1 or the garbage, debris, or other hazardous, noxious, or  
2 unhealthy substances or materials are not removed, within 30  
3 days of mailing the notice to the owners of record, the  
4 beneficial owners of any Illinois land trust having title to  
5 the property, and all lienholders of record in the property,  
6 or within 30 days of the last day of publication of the  
7 notice, whichever is later, the corporate authorities shall  
8 have the power to demolish, repair, or enclose the building  
9 or to remove any garbage, debris, or other hazardous,  
10 noxious, or unhealthy substances or materials.

11 The municipality may proceed to demolish, repair, or  
12 enclose a building or remove any garbage, debris, or other  
13 hazardous, noxious, or unhealthy substances or materials  
14 under this subsection within a 120-day period following the  
15 date of the mailing of the notice if the appropriate official  
16 determines that the demolition, repair, enclosure, or removal  
17 of any garbage, debris, or other hazardous, noxious, or  
18 unhealthy substances or materials is necessary to remedy the  
19 immediate and continuing hazard. If, however, before the  
20 municipality proceeds with any of the actions authorized by  
21 this subsection, any person with a legal or equitable  
22 interest in the property has sought a hearing under this  
23 subsection before a court and has served a copy of the  
24 complaint on the chief executive officer of the municipality,  
25 then the municipality shall not proceed with the demolition,  
26 repair, enclosure, or removal of garbage, debris, or other  
27 substances until the court determines that that action is  
28 necessary to remedy the hazard and issues an order  
29 authorizing the municipality to do so. If the court dismisses  
30 the action for want of prosecution, the municipality must  
31 send the objector a copy of the dismissal order and a letter  
32 stating that the demolition, repair, enclosure, or removal of  
33 garbage, debris, or other substances will proceed unless,  
34 within 30 days after the copy of the order and the letter are

1 mailed, the objector moves to vacate the dismissal and serves  
2 a copy of the motion on the chief executive officer of the  
3 municipality. Notwithstanding any other law to the contrary,  
4 if the objector does not file a motion and give the required  
5 notice, if the motion is denied by the court, or if the  
6 action is again dismissed for want of prosecution, then the  
7 dismissal is with prejudice and the demolition, repair,  
8 enclosure, or removal may proceed forthwith.

9 Following the demolition, repair, or enclosure of a  
10 building, or the removal of garbage, debris, or other  
11 hazardous, noxious, or unhealthy substances or materials  
12 under this subsection, the municipality may file a notice of  
13 lien against the real estate for the cost of the demolition,  
14 repair, enclosure, or removal within 180 days after the  
15 repair, demolition, enclosure, or removal occurred, for the  
16 cost and expense incurred, in the office of the recorder in  
17 the county in which the real estate is located or in the  
18 office of the registrar of titles of the county if the real  
19 estate affected is registered under the Registered Titles  
20 (Torrens) Act; this lien has priority over the interests of  
21 those parties named in the Notice to Remediate mailed under  
22 paragraph (1), but not over the interests of third party  
23 purchasers or encumbrancers for value who obtained their  
24 interests in the property before obtaining actual or  
25 constructive notice of the lien. The notice of lien shall  
26 consist of a sworn statement setting forth (i) a description  
27 of the real estate, such as the address or other description  
28 of the property, sufficient for its identification; (ii) the  
29 expenses incurred by the municipality in undertaking the  
30 remedial actions authorized under this subsection; (iii) the  
31 date or dates the expenses were incurred by the municipality;  
32 (iv) a statement by the corporate official responsible for  
33 enforcing the building code that the building was open and  
34 vacant and constituted an immediate and continuing hazard to

1 the community; (v) a statement by the corporate official that  
2 the required sign was posted on the building, that notice was  
3 sent by certified mail to the owners of record, and that  
4 notice was published in accordance with this subsection; and  
5 (vi) a statement as to when and where the notice was  
6 published. The lien authorized by this subsection may  
7 thereafter be released or enforced by the municipality as  
8 provided in subsection (a).

9 (f) The corporate authorities of each municipality may  
10 remove or cause the removal of, or otherwise environmentally  
11 remediate hazardous substances and petroleum products on, in,  
12 or under any abandoned and unsafe property within the  
13 territory of a municipality. In addition, where preliminary  
14 evidence indicates the presence or likely presence of a  
15 hazardous substance or a petroleum product or a release or a  
16 substantial threat of a release of a hazardous substance or a  
17 petroleum product on, in, or under the property, the  
18 corporate authorities of the municipality may inspect the  
19 property and test for the presence or release of hazardous  
20 substances and petroleum products. In any county having  
21 adopted by referendum or otherwise a county health department  
22 as provided by Division 5-25 of the Counties Code or its  
23 predecessor, the county board of that county may exercise the  
24 above-described powers with regard to property within the  
25 territory of any city, village, or incorporated town having  
26 less than 50,000 population.

27 For purposes of this subsection (f):

28 (1) "property" or "real estate" means all real  
29 property, whether or not improved by a structure;

30 (2) "abandoned" means;

31 (A) the property has been tax delinquent for 2  
32 or more years;

33 (B) the property is unoccupied by persons  
34 legally in possession; and

1 (3) "unsafe" means property that presents an actual  
2 or imminent threat to public health and safety caused by  
3 the release of hazardous substances; and

4 (4) "hazardous substances" means the same as in  
5 Section 3.215 of the Environmental Protection Act.

6 The corporate authorities shall apply to the circuit  
7 court of the county in which the property is located (i) for  
8 an order allowing the municipality to enter the property and  
9 inspect and test substances on, in, or under the property; or  
10 (ii) for an order authorizing the corporate authorities to  
11 take action with respect to remediation of the property if  
12 conditions on the property, based on the inspection and  
13 testing authorized in paragraph (i), indicate the presence of  
14 hazardous substances or petroleum products. Remediation shall  
15 be deemed complete for purposes of paragraph (ii) above when  
16 the property satisfies Tier I, II, or III remediation  
17 objectives for the property's most recent usage, as  
18 established by the Environmental Protection Act, and the  
19 rules and regulations promulgated thereunder. Where, upon  
20 diligent search, the identity or whereabouts of the owner or  
21 owners of the property, including the lien holders of record,  
22 is not ascertainable, notice mailed to the person or persons  
23 in whose name the real estate was last assessed is sufficient  
24 notice under this Section.

25 The court shall grant an order authorizing testing under  
26 paragraph (i) above upon a showing of preliminary evidence  
27 indicating the presence or likely presence of a hazardous  
28 substance or a petroleum product or a release of or a  
29 substantial threat of a release of a hazardous substance or a  
30 petroleum product on, in, or under abandoned property. The  
31 preliminary evidence may include, but is not limited to,  
32 evidence of prior use, visual site inspection, or records of  
33 prior environmental investigations. The testing authorized  
34 by paragraph (i) above shall include any type of

1 investigation which is necessary for an environmental  
2 professional to determine the environmental condition of the  
3 property, including but not limited to performance of soil  
4 borings and groundwater monitoring. The court shall grant a  
5 remediation order under paragraph (ii) above where testing of  
6 the property indicates that it fails to meet the applicable  
7 remediation objectives. The hearing upon the application to  
8 the circuit court shall be expedited by the court and shall  
9 be given precedence over all other suits.

10 The cost of the inspection, testing, or remediation  
11 incurred by the municipality or by a lien holder of record,  
12 including court costs, attorney's fees, and other costs  
13 related to the enforcement of this Section, is a lien on the  
14 real estate; except that in any instances where a  
15 municipality incurs costs of inspection and testing but finds  
16 no hazardous substances or petroleum products on the property  
17 that present an actual or imminent threat to public health  
18 and safety, such costs are not recoverable from the owners  
19 nor are such costs a lien on the real estate. The lien is  
20 superior to all prior existing liens and encumbrances, except  
21 taxes and any lien obtained under subsection (a) or (e), if,  
22 within 180 days after the completion of the inspection,  
23 testing, or remediation, the municipality or the lien holder  
24 of record who incurred the cost and expense shall file a  
25 notice of lien for the cost and expense incurred in the  
26 office of the recorder in the county in which the real estate  
27 is located or in the office of the registrar of titles of the  
28 county if the real estate affected is registered under the  
29 Registered Titles (Torrens) Act.

30 The notice must consist of a sworn statement setting out  
31 (i) a description of the real estate sufficient for its  
32 identification, (ii) the amount of money representing the  
33 cost and expense incurred, and (iii) the date or dates when  
34 the cost and expense was incurred by the municipality or the

1 lien holder of record. Upon payment of the lien amount by  
2 the owner of or persons interested in the property after the  
3 notice of lien has been filed, a release of lien shall be  
4 issued by the municipality, the person in whose name the lien  
5 has been filed, or the assignee of the lien, and the release  
6 may be filed of record as in the case of filing notice of  
7 lien.

8 The lien may be enforced under subsection (c) or by  
9 foreclosure proceedings as in the case of mortgage  
10 foreclosures under Article XV of the Code of Civil Procedure  
11 or mechanics' lien foreclosures; provided that where the lien  
12 is enforced by foreclosure under subsection (c) or under  
13 either statute, the municipality may not proceed against the  
14 other assets of the owner or owners of the real estate for  
15 any costs that otherwise would be recoverable under this  
16 Section but that remain unsatisfied after foreclosure except  
17 where such additional recovery is authorized by separate  
18 environmental laws. An action to foreclose this lien may be  
19 commenced at any time after the date of filing of the notice  
20 of lien. The costs of foreclosure incurred by the  
21 municipality, including court costs, reasonable attorney's  
22 fees, advances to preserve the property, and other costs  
23 related to the enforcement of this subsection, plus statutory  
24 interest, are a lien on the real estate.

25 All liens arising under this subsection (f) shall be  
26 assignable. The assignee of the lien shall have the same  
27 power to enforce the lien as the assigning party, except that  
28 the lien may not be enforced under subsection (c).

29 (g) In any case where a municipality has obtained a lien  
30 under subsection (a), the municipality may also bring an  
31 action for a money judgment against the owner or owners of  
32 the real estate in the amount of the lien in the same manner  
33 as provided for bringing causes of action in Article II of  
34 the Code of Civil Procedure and, upon obtaining a judgment,

1 file a judgment lien against all of the real estate of the  
2 owner or owners and enforce that lien as provided for in  
3 Article XII of the Code of Civil Procedure.

4 (Source: P.A. 91-162, eff. 7-16-99; 91-177, eff. 1-1-00;  
5 91-357, eff. 7-29-99; 91-542, eff. 1-1-00; 91-561, eff.  
6 1-1-00; 92-16, eff. 6-28-01; 92-574, eff. 6-26-02; 92-681,  
7 eff. 1-1-03; revised 2-18-03.)

8 Section 29. The Metropolitan Water Reclamation District  
9 Act is amended by setting forth, renumbering, and changing  
10 multiple versions of Section 288 as follows:

11 (70 ILCS 2605/288)

12 Sec. 288. District enlarged. On March 7, 2002 ~~Upon the~~  
13 ~~effective date of this amendatory Act of the 92nd General~~  
14 ~~Assembly,~~ the corporate limits of the Metropolitan Water  
15 Reclamation District Act are extended to include within those  
16 limits the following described tracts of land, and those  
17 tracts are annexed to the District.

18 (1) Parcel 1 (Canter Parcel)

19 THAT PART OF SECTION 21 TOWNSHIP 41 NORTH, RANGE 9, EAST  
20 OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:  
21 COMMENCING AT NORTHWEST CORNER OF THE NORTHEAST 1/4 OF  
22 THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE SOUTH 00  
23 DEGREES 12 MINUTES 00 SECONDS WEST (DEED BEING SOUTH),  
24 ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE  
25 NORTHWEST 1/4, A DISTANCE OF 574.20 FEET; THENCE SOUTH 69  
26 DEGREES 48 MINUTES 00 SECONDS EAST, A DISTANCE OF 181.20  
27 FEET; THENCE SOUTH 28 DEGREES 49 MINUTES 00 SECONDS EAST,  
28 A DISTANCE OF 720.45 FEET; THENCE SOUTH 38 DEGREES 25  
29 MINUTES 33 SECONDS WEST, A DISTANCE OF 222.79 FEET (DEED  
30 BEING SOUTH 33 DEGREES 37 MINUTES 00 SECONDS WEST, 238.50  
31 FEET) TO AN IRON STAKE; THENCE SOUTH 60 DEGREES 26  
32 MINUTES 25 SECONDS EAST (DEED BEING SOUTH 59 DEGREES 41

1 MINUTES 00 SECONDS EAST), ALONG A LINE THAT WOULD  
2 INTERSECT THE EAST LINE OF SAID NORTHWEST 1/4 OF SECTION  
3 21 AT A POINT THAT IS 669.25 FEET NORTHERLY OF (AS  
4 MEASURED ALONG SAID EAST LINE) THE CENTER OF SAID SECTION  
5 21, A DISTANCE OF 24.03 FEET FOR THE POINT OF BEGINNING;  
6 THENCE CONTINUING SOUTH 60 DEGREES 26 MINUTES 25 SECONDS  
7 EAST, ALONG SAID LINE, A DISTANCE OF 629.56 FEET TO THE  
8 INTERSECTION WITH THE NORTHEASTERLY EXTENSION OF A LINE  
9 PREVIOUSLY SURVEYED AND MONUMENTED; THENCE SOUTH 38  
10 DEGREES 40 MINUTES 02 SECONDS WEST, ALONG SAID LINE, A  
11 DISTANCE OF 1100.29 FEET (DEED BEING SOUTH 39 DEGREES 55  
12 MINUTES 00 SECONDS WEST, 1098.70 FEET) TO THE CENTER LINE  
13 OF THE CHICAGO-ELGIN ROAD, (NOW KNOWN AS IRVING PARK  
14 BOULEVARD AND STATE ROUTE NO. 19) AS SHOWN ON THE PLAT OF  
15 DEDICATION RECORDED JUNE 9, 1933 AS DOCUMENT NO. 11245764  
16 AND AS SHOWN ON A PLAT OF SURVEY DATED SEPTEMBER 22, 1932  
17 APPROVED BY THE SUPERINTENDENT OF HIGHWAYS OF COOK  
18 COUNTY, ILLINOIS ON DECEMBER 17, 1933; THENCE SOUTH 51  
19 DEGREES 24 MINUTES 19 SECONDS EAST, ALONG SAID CENTER  
20 LINE, A DISTANCE OF 597.60 FEET (DEED BEING SOUTHEASTERLY  
21 ALONG CENTER LINE, 620.50 FEET) TO A POINT OF CURVE IN  
22 SAID CENTER LINE, ACCORDING TO THE PLAT OF DEDICATION  
23 RECORDED FEBRUARY 16, 1933 AS DOCUMENT NO. 11200330 AND  
24 AFORESAID PLAT OF SURVEY; THENCE SOUTHEASTERLY, ALONG THE  
25 SAID CENTER LINE, BEING ALONG A CURVE TO THE LEFT, HAVING  
26 A RADIUS OF 4645.69 FEET AND BEING TANGENT TO THE LAST  
27 DESCRIBED COURSE AT THE LAST DESCRIBED POINT, A DISTANCE  
28 OF 341.66 FEET (DEED BEING ALONG SAID CURVE, 338.30 FEET)  
29 TO THE INTERSECTION WITH A PREVIOUSLY SURVEYED AND  
30 MONUMENTED LINE; THENCE SOUTH 42 DEGREES 46 MINUTES 09  
31 SECONDS WEST, ALONG SAID LINE, A DISTANCE OF 65.95 FEET  
32 (DEED BEING SOUTH 44 DEGREES 41 MINUTES 00 SECONDS WEST,  
33 65 FEET) TO THE CENTER LINE OF THE OLD CHICAGO-ELGIN  
34 ROAD, ACCORDING TO THE AFORESAID PLAT OF SURVEY; THENCE



1 NORTH 56 DEGREES 45 MINUTES 03 SECONDS WEST, ALONG THE  
2 CENTER LINE OF THE SAID OLD CHICAGO-ELGIN ROAD, A  
3 DISTANCE OF 685.80 FEET (DEED BEING NORTH 54 DEGREES 52  
4 MINUTES 00 SECONDS WEST, 635.0 FEET) TO AN ANGLE IN SAID  
5 CENTER LINE; THENCE NORTH 44 DEGREES 23 MINUTES 58  
6 SECONDS WEST, ALONG SAID CENTER LINE, A DISTANCE OF  
7 878.23 FEET (DEED BEING NORTH 44 DEGREES 23 MINUTES 00  
8 SECONDS WEST) TO A LINE THAT IS DRAWN SOUTH 38 DEGREES 35  
9 MINUTES 41 SECONDS WEST FROM THE POINT OF BEGINNING AND  
10 BEING PERPENDICULAR TO THE NORTHERLY RIGHT OF WAY LINE OF  
11 THE CHICAGO-ELGIN ROAD, AS DESCRIBED ON THE AFORESAID  
12 PLAT OF DEDICATION PER DOCUMENT NO. 11245764 AND SHOWN ON  
13 THE AFORESAID PLAT OF SURVEY; THENCE NORTH 38 DEGREES 35  
14 MINUTES 41 SECONDS EAST, ALONG SAID PERPENDICULAR LINE, A  
15 DISTANCE OF 1011.41 FEET TO THE POINT OF BEGINNING,  
16 (EXCEPTING THEREFROM SUCH PORTIONS THEREOF AS MAY HAVE  
17 BEEN HERETOFORE CONVEYED OR DEDICATED FOR HIGHWAY  
18 PURPOSES) IN COOK COUNTY, ILLINOIS.

19 P.I.N.: 06-21-101-024-0000

20 (2) Parcel 2 (T Bar J Ranch Parcel)

21 PARCEL 1:

22 THAT PART OF SECTION 21, TOWNSHIP 41 NORTH; RANGE 9 EAST  
23 OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:  
24 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4  
25 OF THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE SOUTH  
26 ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST  
27 1/4 OF SAID SECTION, 574.20 FEET; THENCE SOUTH 69 DEGREES  
28 48 MINUTES EAST, 181.20 FEET; THENCE SOUTH 28 DEGREES 49  
29 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33 DEGREES 37  
30 MINUTES WEST, 238.50 FEET; THENCE SOUTH 75 DEGREES 29  
31 MINUTES WEST, ALONG A FENCE LINE 510.8 FEET; THENCE SOUTH  
32 29 DEGREES 48 MINUTES WEST, ALONG A FENCE LINE, 275.05  
33 FEET TO THE POINT OF BEGINNING; THENCE NORTH 67 DEGREES  
34 40 MINUTES WEST, 277.64 FEET; THENCE SOUTH 19 DEGREES 47

1 MINUTES WEST, ALONG A FENCE LINE, 175.5 FEET TO THE  
2 NORTHERLY RIGHT OF WAY LINE OF A PUBLIC HIGHWAY KNOWN AS  
3 IRVING PARK BOULEVARD; THENCE SOUTH 50 DEGREES 21 MINUTES  
4 EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF PUBLIC  
5 HIGHWAY, A DISTANCE OF 248.3 FEET TO A POINT THAT IS  
6 SOUTH 29 DEGREES 48 MINUTES WEST, 251.15 FEET FROM THE  
7 POINT OF BEGINNING; THENCE NORTH 29 DEGREES 48 MINUTES,  
8 EAST ALONG A FENCE LINE 251.15 FEET TO A POINT OF  
9 BEGINNING, IN COOK COUNTY, ILLINOIS.

10 P.I.N.: 06-21-101-018-0000

11 PARCEL 2:

12 THAT PART OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 9 EAST  
13 OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:  
14 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4  
15 OF THE NORTHWEST 1/4 OF SECTION 21 AFORESAID; THENCE  
16 SOUTH ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE  
17 NORTHWEST 1/4 OF SAID SECTION, 574.2 FEET; THENCE SOUTH  
18 69 DEGREES 48 MINUTES EAST, 181.2 FEET; THENCE SOUTH 28  
19 DEGREES 49 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33  
20 DEGREES 37 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75  
21 DEGREES 29 MINUTES WEST, 203.4 FEET TO THE POINT OF  
22 BEGINNING; THENCE CONTINUING SOUTH 75 DEGREES 29 MINUTES  
23 WEST, 307.4 FEET; THENCE SOUTH 29 DEGREES 48 MINUTES  
24 WEST, 275.05 FEET; THENCE NORTH 67 DEGREES 40 MINUTES  
25 WEST, 277.64 FEET; THENCE SOUTH 19 DEGREES 47 MINUTES  
26 WEST ALONG A FENCE LINE, 175.5 FEET TO NORTHERLY RIGHT OF  
27 WAY LINE OF PUBLIC HIGHWAY KNOWN AS IRVING PARK  
28 BOULEVARD; THENCE NORTH 50 DEGREES 21 MINUTES WEST ALONG  
29 SAID NORTHERLY RIGHT OF WAY LINE OF HIGHWAY 566.2 FEET;  
30 THENCE NORTH 17 DEGREES 17 MINUTES EAST ALONG A FENCE  
31 LINE 193.07 FEET; THENCE NORTH 84 DEGREES 47 MINUTES EAST  
32 988.44 FEET TO A FENCE LINE; THENCE SOUTH 31 DEGREES 51  
33 MINUTES EAST ALONG SAID FENCE LINE, A DISTANCE OF 282.19  
34 FEET TO THE POINT OF BEGINNING IN HANOVER TOWNSHIP IN

1 COOK COUNTY, ILLINOIS.

2 P.I.N.: 06-21-101-022-0000

3 (3) Parcel 3 (Gibas parcel)

4 A PARCEL OF LAND IN SECTION 21, TOWNSHIP 41 NORTH, RANGE  
5 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,  
6 ILLINOIS, DESCRIBED AS FOLLOWS:

7 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4  
8 OF THE NORTHWEST 1/4 OF SAID SECTION 21, THENCE SOUTH  
9 ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE  
10 NORTHWEST 1/4, 574.20 FEET; THENCE SOUTH 69 DEGREES 48  
11 MINUTES EAST, 181.20 FEET FOR A POINT OF BEGINNING,  
12 THENCE SOUTH 28 DEGREES 49 MINUTES EAST, 720.45 FEET;  
13 THENCE SOUTH 33 DEGREES 37 MINUTES WEST, 238.5 FEET;  
14 THENCE SOUTH 75 DEGREES 29 MINUTES WEST, 203.4 FEET TO A  
15 FENCE CORNER; THENCE NORTH 31 DEGREES 51 MINUTES WEST  
16 ALONG A FENCE LINE, 512.8 FEET; THENCE NORTH 3 DEGREES 29  
17 MINUTES WEST ALONG SAID FENCE LINE 263.6 FEET TO A POINT  
18 ON THE SOUTHERLY RIGHT OF WAY LINE OF NEW SCHAUMBURG ROAD  
19 THAT IS 311.0 FEET MORE OR LESS SOUTHWESTERLY OF THE  
20 POINT OF BEGINNING; THENCE NORTHEASTERLY ALONG THE SAID  
21 SOUTHERLY RIGHT OF WAY LINE OF ROAD 311.0 FEET MORE OR  
22 LESS TO THE POINT OF BEGINNING, (EXCEPTING SUCH PORTIONS  
23 THEREOF AS MAY FALL WITHIN LOTS 10 OR 26 OF COUNTY  
24 CLERK'S DIVISION OF SECTION 21 ACCORDING TO THE PLAT  
25 THEREOF RECORDED, MAY 31, 1895 IN BOOK 65 OF PLATS PAGE  
26 35) IN COOK COUNTY, ILLINOIS.

27 P.I.N.: 06-21-101-015-0000

28 (4) Parcel 4 (Blake parcel)

29 THAT PART OF SECTIONS 20 AND 21 IN TOWNSHIP 41 NORTH,  
30 RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS  
31 FOLLOWS:

32 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST  
33 QUARTER OF THE NORTHWEST QUARTER OF SECTION 21 AFORESAID;

1 THENCE SOUTH ALONG THE WEST LINE OF THE NORTHEAST QUARTER  
2 OF THE NORTHWEST QUARTER OF SAID SECTION, 574.2 FEET;  
3 THENCE SOUTH 69 DEGREES 48 MINUTES EAST, 181.2 FEET;  
4 THENCE SOUTH 28 DEGREES 49 MINUTES EAST, 720.45 FEET;  
5 THENCE SOUTH 33 DEGREES 37 MINUTES WEST, 238.5 FEET;  
6 THENCE SOUTH 75 DEGREES 29 MINUTES WEST, 203.4 FEET;  
7 THENCE NORTH 31 DEGREES 51 MINUTES WEST ALONG A FENCE  
8 LINE, 282.19 FEET TO A POINT OF BEGINNING; THENCE SOUTH  
9 84 DEGREES 47 MINUTES WEST, 988.44 FEET TO A POINT ON A  
10 FENCE LINE THAT LIES NORTH 17 DEGREES 17 MINUTES EAST,  
11 193.07 FEET FROM A POINT ON THE NORTHERLY RIGHT OF WAY  
12 LINE OF IRVING PARK BOULEVARD; THENCE NORTH 17 DEGREES 17  
13 MINUTES EAST ALONG SAID FENCE LINE, 276.03 FEET TO THE  
14 SOUTHERLY RIGHT OF WAY LINE OF SCHAUMBURG ROAD (AS NOW  
15 DEDICATED); THENCE EASTERLY AND NORTHEASTERLY ALONG SAID  
16 SOUTHERLY RIGHT OF WAY LINE ON A CURVE TO LEFT HAVING A  
17 RADIUS OF 1425.4 FEET A DISTANCE OF 829.0 FEET; THENCE  
18 SOUTH 3 DEGREES 29 MINUTES EAST ALONG A FENCE LINE 263.6  
19 FEET; THENCE SOUTH 31 DEGREES 51 MINUTES EAST ALONG A  
20 FENCE LINE A DISTANCE OF 230.61 FEET TO THE POINT OF  
21 BEGINNING, IN HANOVER TOWNSHIP, COOK COUNTY, ILLINOIS.

22 P.I.N. P.I.N.: 06-21-101-021-0000.

23 (Source: P.A. 92-532, eff. 3-7-02; revised 1-27-03.)

24 (70 ILCS 2605/289)

25 Sec. 289 288. District enlarged. On August 22, 2002  
26 ~~Upon the effective date of this amendatory Act of the 92nd~~  
27 ~~General Assembly,~~ the corporate limits of the Metropolitan  
28 Water Reclamation District are extended to include within  
29 those limits the following described tract of land, and that  
30 tract is annexed to the District.

31 LEGAL DESCRIPTION

32 5.425 ACRES

33 THAT PART OF THE NORTHWEST QUARTER OF SECTION 25,

1 TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL  
2 MERIDIAN, DESCRIBED AS FOLLOWS:  
3 COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST  
4 QUARTER OF SAID SECTION 25; THENCE NORTH 00°00'00" EAST  
5 ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF SECTION  
6 25, A DISTANCE OF 1314.40 FEET TO THE NORTH LINE OF THE  
7 SOUTH HALF OF SAID NORTHWEST QUARTER OF SECTION 25;  
8 THENCE SOUTH 89°15'17" WEST ALONG THE NORTH LINE OF SAID  
9 SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 25, A  
10 DISTANCE OF 170.00 FEET; THENCE SOUTH 44°22'03" WEST,  
11 410.93 FEET TO THE POINT OF BEGINNING; THENCE SOUTH  
12 89°15'17" WEST PARALLEL WITH THE NORTH LINE OF SAID SOUTH  
13 HALF OF THE NORTHWEST QUARTER OF SECTION 25, A DISTANCE  
14 OF 420.04 FEET TO A LINE 1755.25 FEET EAST OF, MEASURED  
15 AT RIGHT ANGLES, AND PARALLEL WITH THE WEST LINE OF SAID  
16 NORTHWEST QUARTER OF SECTION 25; THENCE NORTH 00°02'28"  
17 WEST ALONG SAID PARALLEL LINE, 105.23 FEET; THENCE SOUTH  
18 89°15'17" WEST PARALLEL WITH THE NORTH LINE OF SAID SOUTH  
19 HALF OF THE NORTHWEST QUARTER OF SECTION 25, A DISTANCE  
20 OF 300.13 FEET; THENCE SOUTH 00°02'28" EAST, 150.68 FEET;  
21 THENCE NORTH 89°57'32" EAST 120.37 FEET; THENCE SOUTH  
22 00°02'28" EAST PARALLEL WITH THE WEST LINE OF SAID  
23 NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 353.10  
24 FEET; THENCE NORTH 89°15'17" EAST PARALLEL WITH THE NORTH  
25 LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF  
26 SECTION 25, A DISTANCE OF 479.77 FEET; THENCE NORTH  
27 00°02'28" WEST, 278.99 FEET; THENCE NORTH 44°22'03" EAST,  
28 171.50 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY,  
29 ILLINOIS.

30 (Source: P.A. 92-843, eff. 8-22-02; revised 2-18-03.)

31 Section 30. The School Code is amended by changing  
32 Sections 10-17a, 10-22.20, 18-8.05, and 34-18 and setting  
33 forth and renumbering multiple versions of Sections 10-20.35

1 and 34-18.23 as follows:

2 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

3 Sec. 10-17a. Better schools accountability.

4 (1) Policy and Purpose. It shall be the policy of the  
5 State of Illinois that each school district in this State,  
6 including special charter districts and districts subject to  
7 the provisions of Article 34, shall submit to parents,  
8 taxpayers of such district, the Governor, the General  
9 Assembly, and the State Board of Education a school report  
10 card assessing the performance of its schools and students.  
11 The report card shall be an index of school performance  
12 measured against statewide and local standards and will  
13 provide information to make prior year comparisons and to set  
14 future year targets through the school improvement plan.

15 (2) Reporting Requirements. Each school district shall  
16 prepare a report card in accordance with the guidelines set  
17 forth in this Section which describes the performance of its  
18 students by school attendance centers and by district and the  
19 district's financial resources and use of financial  
20 resources. Such report card shall be presented at a regular  
21 school board meeting subject to applicable notice  
22 requirements, posted on the school district's Internet web  
23 site, if the district maintains an Internet web site, made  
24 available to a newspaper of general circulation serving the  
25 district, and, upon request, sent home to a parent (unless  
26 the district does not maintain an Internet web site, in which  
27 case the report card shall be sent home to parents without  
28 request). If the district posts the report card on its  
29 Internet web site, the district shall send a written notice  
30 home to parents stating (i) that the report card is available  
31 on the web site, (ii) the address of the web site, (iii) that  
32 a printed copy of the report card will be sent to parents  
33 upon request, and (iv) the telephone number that parents may

1 call to request a printed copy of the report card. In  
2 addition, each school district shall submit the completed  
3 report card to the office of the district's Regional  
4 Superintendent which shall make copies available to any  
5 individuals requesting them.

6 The report card shall be completed and disseminated prior  
7 to October 31 in each school year. The report card shall  
8 contain, but not be limited to, actual local school  
9 attendance center, school district and statewide data  
10 indicating the present performance of the school, the State  
11 norms and the areas for planned improvement for the school  
12 and school district.

13 (3) (a) The report card shall include the following  
14 applicable indicators of attendance center, district, and  
15 statewide student performance: percent of students who  
16 exceed, meet, or do not meet standards established by the  
17 State Board of Education pursuant to Section 2-3.25a;  
18 composite and subtest means on nationally normed achievement  
19 tests for college bound students; student attendance rates;  
20 chronic truancy rate; dropout rate; graduation rate; and  
21 student mobility, turnover shown as a percent of transfers  
22 out and a percent of transfers in.

23 (b) The report card shall include the following  
24 descriptions for the school, district, and State: average  
25 class size; amount of time per day devoted to mathematics,  
26 science, English and social science at primary, middle and  
27 junior high school grade levels; number of students taking  
28 the Prairie State Achievement Examination under subsection  
29 (c) of Section 2-3.64, the number of those students who  
30 received a score of excellent, and the average score by  
31 school of students taking the examination; pupil-teacher  
32 ratio; pupil-administrator ratio; operating expenditure per  
33 pupil; district expenditure by fund; average administrator  
34 salary; and average teacher salary. The report card shall

1 also specify the amount of money that the district receives  
2 from all sources, including without limitation subcategories  
3 specifying the amount from local property taxes, the amount  
4 from general State aid, the amount from other State funding,  
5 and the amount from other income.

6 (c) The report card shall include applicable indicators  
7 of parental involvement in each attendance center. The  
8 parental involvement component of the report card shall  
9 include the percentage of students whose parents or guardians  
10 have had one or more personal contacts with the students'  
11 teachers during the school year concerning the students'  
12 education, and such other information, commentary, and  
13 suggestions as the school district desires. For the purposes  
14 of this paragraph, "personal contact" includes, but is not  
15 limited to, parent-teacher conferences, parental visits to  
16 school, school visits to home, telephone conversations, and  
17 written correspondence. The parental involvement component  
18 shall not single out or identify individual students,  
19 parents, or guardians by name.

20 (d) The report card form shall be prepared by the State  
21 Board of Education and provided to school districts by the  
22 most efficient, economic, and appropriate means.

23 (Source: P.A. 92-604, eff. 7-1-02; 92-631, eff. 7-11-02;  
24 revised 7-26-02.)

25 (105 ILCS 5/10-20.35)

26 Sec. 10-20.35. Medical information form for bus drivers  
27 and emergency medical technicians. School districts are  
28 encouraged to create and use an emergency medical information  
29 form for bus drivers and emergency medical technicians for  
30 those students with special needs or medical conditions. The  
31 form may include without limitation information to be  
32 provided by the student's parent or legal guardian concerning  
33 the student's relevant medical conditions, medications that



1 the student is taking, the student's communication skills,  
2 and how a bus driver or an emergency medical technician is to  
3 respond to certain behaviors of the student. If the form is  
4 used, the school district is encouraged to notify parents and  
5 legal guardians of the availability of the form. The parent  
6 or legal guardian of the student may fill out the form and  
7 submit it to the school that the student is attending. The  
8 school district is encouraged to keep one copy of the form on  
9 file at the school and another copy on the student's school  
10 bus in a secure location.

11 (Source: P.A. 92-580, eff. 7-1-02.)

12 (105 ILCS 5/10-20.36)

13 Sec. 10-20.36 ~~10-20.35~~. Psychotropic or psychostimulant  
14 medication; disciplinary action.

15 (a) In this Section:

16 "Psychostimulant medication" means medication that  
17 produces increased levels of mental and physical energy and  
18 alertness and an elevated mood by stimulating the central  
19 nervous system.

20 "Psychotropic medication" means psychotropic medication  
21 as defined in Section 1-121.1 of the Mental Health and  
22 Developmental Disabilities Code.

23 (b) Each school board must adopt and implement a policy  
24 that prohibits any disciplinary action that is based totally  
25 or in part on the refusal of a student's parent or guardian  
26 to administer or consent to the administration of  
27 psychotropic or psychostimulant medication to the student.

28 The policy must require that, at least once every 2  
29 years, the in-service training of certified school personnel  
30 and administrators include training on current best practices  
31 regarding the identification and treatment of attention  
32 deficit disorder and attention deficit hyperactivity  
33 disorder, the application of non-aversive behavioral

1 interventions in the school environment, and the use of  
2 psychotropic or psychostimulant medication for school-age  
3 children.

4 (c) This Section does not prohibit school medical staff,  
5 an individualized educational program team, or a professional  
6 worker (as defined in Section 14-1.10 of this Code) from  
7 recommending that a student be evaluated by an appropriate  
8 medical practitioner or prohibit school personnel from  
9 consulting with the practitioner with the consent of the  
10 student's parents or guardian.

11 (Source: P.A. 92-663, eff. 1-1-03; revised 9-3-02.)

12 (105 ILCS 5/10-22.20) (from Ch. 122, par. 10-22.20)

13 Sec. 10-22.20. Classes for adults and youths whose  
14 schooling has been interrupted; conditions for State  
15 reimbursement; use of child care facilities.

16 (a) To establish special classes for the instruction (1)  
17 of persons of age 21 years or over, and (2) of persons less  
18 than age 21 and not otherwise in attendance in public school,  
19 for the purpose of providing adults in the community, and  
20 youths whose schooling has been interrupted, with such  
21 additional basic education, vocational skill training, and  
22 other instruction as may be necessary to increase their  
23 qualifications for employment or other means of self-support  
24 and their ability to meet their responsibilities as citizens  
25 including courses of instruction regularly accepted for  
26 graduation from elementary or high schools and for  
27 Americanization and General Educational Development Review  
28 classes.

29 The board shall pay the necessary expenses of such  
30 classes out of school funds of the district, including costs  
31 of student transportation and such facilities or provision  
32 for child-care as may be necessary in the judgment of the  
33 board to permit maximum utilization of the courses by

1 students with children, and other special needs of the  
2 students directly related to such instruction. The expenses  
3 thus incurred shall be subject to State reimbursement, as  
4 provided in this Section. The board may make a tuition  
5 charge for persons taking instruction who are not subject to  
6 State reimbursement, such tuition charge not to exceed the  
7 per capita cost of such classes.

8 The cost of such instruction, including the additional  
9 expenses herein authorized, incurred for recipients of  
10 financial aid under the Illinois Public Aid Code, or for  
11 persons for whom education and training aid has been  
12 authorized under Section 9-8 of that Code, shall be assumed  
13 in its entirety from funds appropriated by the State to the  
14 Illinois Community College Board.

15 (b) The Illinois Community College Board shall establish  
16 the standards for the courses of instruction reimbursed under  
17 this Section. The Illinois Community College Board shall  
18 supervise the administration of the programs. The Illinois  
19 Community College Board shall determine the cost of  
20 instruction in accordance with standards established by the  
21 the Illinois Community College Board, including therein other  
22 incidental costs as herein authorized, which shall serve as  
23 the basis of State reimbursement in accordance with the  
24 provisions of this Section. In the approval of programs and  
25 the determination of the cost of instruction, the Illinois  
26 Community College Board shall provide for the maximum  
27 utilization of federal funds for such programs. The Illinois  
28 Community College Board shall also provide for:

29 (1) the development of an index of need for program  
30 planning and for area funding allocations, as defined by  
31 the Illinois Community College Board;

32 (2) the method for calculating hours of  
33 instruction, as defined by the Illinois Community College  
34 Board, claimable for reimbursement and a method to phase

1 in the calculation and for adjusting the calculations in  
2 cases where the services of a program are interrupted due  
3 to circumstances beyond the control of the program  
4 provider;

5 (3) a plan for the reallocation of funds to  
6 increase the amount allocated for grants based upon  
7 program performance as set forth in subsection (d) below;  
8 and

9 (4) the development of standards for determining  
10 grants based upon performance as set forth in subsection  
11 (d) below and a plan for the phased-in implementation of  
12 those standards.

13 For instruction provided by school districts and  
14 community college districts beginning July 1, 1996 and  
15 thereafter, reimbursement provided by the Illinois Community  
16 College Board for classes authorized by this Section shall be  
17 provided from funds appropriated for the reimbursement  
18 criteria set forth in subsection (c) below.

19 (c) Upon the annual approval of the Illinois Community  
20 College Board, reimbursement shall be first provided for  
21 transportation, child care services, and other special needs  
22 of the students directly related to instruction and then from  
23 the funds remaining an amount equal to the product of the  
24 total credit hours or units of instruction approved by the  
25 Illinois Community College Board, multiplied by the  
26 following:

27 (1) For adult basic education, the maximum  
28 reimbursement per credit hour or per unit of instruction  
29 shall be equal to the general state aid per pupil  
30 foundation level established in subsection (B) of Section  
31 18-8.05, divided by 60;

32 (2) The maximum reimbursement per credit hour or  
33 per unit of instruction in subparagraph (1) above shall  
34 be weighted for students enrolled in classes defined as

1 vocational skills and approved by the Illinois Community  
2 College Board by 1.25;

3 (3) The maximum reimbursement per credit hour or  
4 per unit of instruction in subparagraph (1) above shall  
5 be multiplied by .90 for students enrolled in classes  
6 defined as adult secondary education programs and  
7 approved by the Illinois Community College Board;

8 (4) For community college districts the maximum  
9 reimbursement per credit hour in subparagraphs (1), (2),  
10 and (3) above shall be reduced by the Adult Basic  
11 Education/Adult Secondary Education/English As A Second  
12 Language credit hour grant rate prescribed in Section  
13 2-16.02 of the Public Community College Act, as pro-rated  
14 to the appropriation level; and

15 (5) Programs receiving funds under the formula that  
16 was in effect during the 1994-1995 program year which  
17 continue to be approved and which generate at least 80%  
18 of the hours claimable in 1994-95, or in the case of  
19 programs not approved in 1994-95 at least 80% of the  
20 hours claimable in 1995-96, shall have funding for  
21 subsequent years based upon 100% of the 1995-96 formula  
22 funding level for 1996-97, 90% of the 1995-96 formula  
23 funding level for 1997-98, 80% of the 1995-96 formula  
24 funding level for 1998-99, and 70% of the 1995-96 formula  
25 funding level for 1999-2000. For any approved program  
26 which generates less than 80% of the claimable hours in  
27 its base year, the level of funding pursuant to this  
28 paragraph shall be reduced proportionately. Funding for  
29 program years after 1999-2000 shall be determined by the  
30 Illinois Community College Board.

31 (d) Upon its annual approval,<sup>7</sup> the Illinois Community  
32 College Board shall provide grants to eligible programs for  
33 supplemental activities to improve or expand services under  
34 the Adult Education Act. Eligible programs shall be

1 determined based upon performance outcomes of students in the  
2 programs as set by the Illinois Community College Board.

3 (e) Reimbursement under this Section shall not exceed  
4 the actual costs of the approved program.

5 If the amount appropriated to the Illinois Community  
6 College Board for reimbursement under this Section is less  
7 than the amount required under this Act, the apportionment  
8 shall be proportionately reduced.

9 School districts and community college districts may  
10 assess students up to \$3.00 per credit hour, for classes  
11 other than Adult Basic Education level programs, if needed to  
12 meet program costs.

13 (f) An education plan shall be established for each  
14 adult or youth whose schooling has been interrupted and who  
15 is participating in the instructional programs provided under  
16 this Section.

17 Each school board and community college shall keep an  
18 accurate and detailed account of the students assigned to and  
19 receiving instruction under this Section who are subject to  
20 State reimbursement and shall submit reports of services  
21 provided commencing with fiscal year 1997 as required by the  
22 Illinois Community College Board.

23 For classes authorized under this Section, a credit hour  
24 or unit of instruction is equal to 15 hours of direct  
25 instruction for students enrolled in approved adult education  
26 programs at midterm and making satisfactory progress, in  
27 accordance with standards established by the Illinois  
28 Community College Board.

29 (g) Upon proof submitted to the Illinois Department of  
30 Human Services of the payment of all claims submitted under  
31 this Section, that Department shall apply for federal funds  
32 made available therefor and any federal funds so received  
33 shall be paid into the General Revenue Fund in the State  
34 Treasury.

1 School districts or community colleges providing classes  
2 under this Section shall submit applications to the Illinois  
3 Community College Board for preapproval in accordance with  
4 the standards established by the Illinois Community College  
5 Board. Payments shall be made by the Illinois Community  
6 College Board based upon approved programs. Interim  
7 expenditure reports may be required by the Illinois Community  
8 College Board. Final claims for the school year shall be  
9 submitted to the regional superintendents for transmittal to  
10 the Illinois Community College Board. Final adjusted  
11 payments shall be made by September 30.

12 If a school district or community college district fails  
13 to provide, or is providing unsatisfactory or insufficient  
14 classes under this Section, the Illinois Community College  
15 Board may enter into agreements with public or private  
16 educational or other agencies other than the public schools  
17 for the establishment of such classes.

18 (h) If a school district or community college district  
19 establishes child-care facilities for the children of  
20 participants in classes established under this Section, it  
21 may extend the use of these facilities to students who have  
22 obtained employment and to other persons in the community  
23 whose children require care and supervision while the parent  
24 or other person in charge of the children is employed or  
25 otherwise absent from the home during all or part of the day.  
26 It may make the facilities available before and after as well  
27 as during regular school hours to school age and preschool  
28 age children who may benefit thereby, including children who  
29 require care and supervision pending the return of their  
30 parent or other person in charge of their care from  
31 employment or other activity requiring absence from the home.

32 The Illinois Community College Board shall pay to the  
33 board the cost of care in the facilities for any child who is  
34 a recipient of financial aid under the Illinois Public Aid

1 Code.

2 The board may charge for care of children for whom it  
3 cannot make claim under the provisions of this Section. The  
4 charge shall not exceed per capita cost, and to the extent  
5 feasible, shall be fixed at a level which will permit  
6 utilization by employed parents of low or moderate income.  
7 It may also permit any other State or local governmental  
8 agency or private agency providing care for children to  
9 purchase care.

10 After July 1, 1970 when the provisions of Section  
11 10-20.20 become operative in the district, children in a  
12 child-care facility shall be transferred to the kindergarten  
13 established under that Section for such portion of the day as  
14 may be required for the kindergarten program, and only the  
15 prorated costs of care and training provided in the Center  
16 for the remaining period shall be charged to the Illinois  
17 Department of Human Services or other persons or agencies  
18 paying for such care.

19 (i) The provisions of this Section shall also apply to  
20 school districts having a population exceeding 500,000.

21 (j) In addition to claiming reimbursement under this  
22 Section, a school district may claim general State aid under  
23 Section 18-8.05 for any student under age 21 who is enrolled  
24 in courses accepted for graduation from elementary or high  
25 school and who otherwise meets the requirements of Section  
26 18-8.05.

27 (Source: P.A. 90-14, eff. 7-1-97; 90-548, eff. 1-1-98;  
28 90-802, eff. 12-15-98; 91-830, eff. 7-1-01; revised 2-17-03.)

29 (105 ILCS 5/18-8.05)

30 Sec. 18-8.05. Basis for apportionment of general State  
31 financial aid and supplemental general State aid to the  
32 common schools for the 1998-1999 and subsequent school years.

33 (A) General Provisions.



1           (1) The provisions of this Section apply to the  
2 1998-1999 and subsequent school years. The system of general  
3 State financial aid provided for in this Section is designed  
4 to assure that, through a combination of State financial aid  
5 and required local resources, the financial support provided  
6 each pupil in Average Daily Attendance equals or exceeds a  
7 prescribed per pupil Foundation Level. This formula approach  
8 imputes a level of per pupil Available Local Resources and  
9 provides for the basis to calculate a per pupil level of  
10 general State financial aid that, when added to Available  
11 Local Resources, equals or exceeds the Foundation Level. The  
12 amount of per pupil general State financial aid for school  
13 districts, in general, varies in inverse relation to  
14 Available Local Resources. Per pupil amounts are based upon  
15 each school district's Average Daily Attendance as that term  
16 is defined in this Section.

17           (2) In addition to general State financial aid, school  
18 districts with specified levels or concentrations of pupils  
19 from low income households are eligible to receive  
20 supplemental general State financial aid grants as provided  
21 pursuant to subsection (H). The supplemental State aid grants  
22 provided for school districts under subsection (H) shall be  
23 appropriated for distribution to school districts as part of  
24 the same line item in which the general State financial aid  
25 of school districts is appropriated under this Section.

26           (3) To receive financial assistance under this Section,  
27 school districts are required to file claims with the State  
28 Board of Education, subject to the following requirements:

29           (a) Any school district which fails for any given  
30 school year to maintain school as required by law, or to  
31 maintain a recognized school is not eligible to file for  
32 such school year any claim upon the Common School Fund.  
33 In case of nonrecognition of one or more attendance  
34 centers in a school district otherwise operating

1 recognized schools, the claim of the district shall be  
2 reduced in the proportion which the Average Daily  
3 Attendance in the attendance center or centers bear to  
4 the Average Daily Attendance in the school district. A  
5 "recognized school" means any public school which meets  
6 the standards as established for recognition by the State  
7 Board of Education. A school district or attendance  
8 center not having recognition status at the end of a  
9 school term is entitled to receive State aid payments due  
10 upon a legal claim which was filed while it was  
11 recognized.

12 (b) School district claims filed under this Section  
13 are subject to Sections 18-9, 18-10, and 18-12, except as  
14 otherwise provided in this Section.

15 (c) If a school district operates a full year  
16 school under Section 10-19.1, the general State aid to  
17 the school district shall be determined by the State  
18 Board of Education in accordance with this Section as  
19 near as may be applicable.

20 (d) (Blank).

21 (4) Except as provided in subsections (H) and (L), the  
22 board of any district receiving any of the grants provided  
23 for in this Section may apply those funds to any fund so  
24 received for which that board is authorized to make  
25 expenditures by law.

26 School districts are not required to exert a minimum  
27 Operating Tax Rate in order to qualify for assistance under  
28 this Section.

29 (5) As used in this Section the following terms, when  
30 capitalized, shall have the meaning ascribed herein:

31 (a) "Average Daily Attendance": A count of pupil  
32 attendance in school, averaged as provided for in  
33 subsection (C) and utilized in deriving per pupil  
34 financial support levels.

1 (b) "Available Local Resources": A computation of  
2 local financial support, calculated on the basis of  
3 Average Daily Attendance and derived as provided pursuant  
4 to subsection (D).

5 (c) "Corporate Personal Property Replacement  
6 Taxes": Funds paid to local school districts pursuant to  
7 "An Act in relation to the abolition of ad valorem  
8 personal property tax and the replacement of revenues  
9 lost thereby, and amending and repealing certain Acts and  
10 parts of Acts in connection therewith", certified August  
11 14, 1979, as amended (Public Act 81-1st S.S.-1).

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

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

19 (B) Foundation Level.

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

30 (2) For the 1998-1999 school year, the Foundation Level  
31 of support is \$4,225. For the 1999-2000 school year, the  
32 Foundation Level of support is \$4,325. For the 2000-2001  
33 school year, the Foundation Level of support is \$4,425.

34 (3) For the 2001-2002 school year and each school year

1 thereafter, the Foundation Level of support is \$4,560 or such  
2 greater amount as may be established by law by the General  
3 Assembly.

4 (C) Average Daily Attendance.

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

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

25 (D) Available Local Resources.

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

1 Average Daily Attendance.

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

9 (3) For school districts maintaining grades kindergarten  
10 through 12, local property tax revenues per pupil shall be  
11 calculated as the product of the applicable equalized  
12 assessed valuation for the district multiplied by 3.00%, and  
13 divided by the district's Average Daily Attendance figure.  
14 For school districts maintaining grades kindergarten through  
15 8, local property tax revenues per pupil shall be calculated  
16 as the product of the applicable equalized assessed valuation  
17 for the district multiplied by 2.30%, and divided by the  
18 district's Average Daily Attendance figure. For school  
19 districts maintaining grades 9 through 12, local property tax  
20 revenues per pupil shall be the applicable equalized assessed  
21 valuation of the district multiplied by 1.05%, and divided by  
22 the district's Average Daily Attendance figure.

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

33 (E) Computation of General State Aid.

34 (1) For each school year, the amount of general State

1 aid allotted to a school district shall be computed by the  
2 State Board of Education as provided in this subsection.

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

9 (3) For any school district for which Available Local  
10 Resources per pupil is equal to or greater than the product  
11 of 0.93 times the Foundation Level and less than the product  
12 of 1.75 times the Foundation Level, the general State aid per  
13 pupil shall be a decimal proportion of the Foundation Level  
14 derived using a linear algorithm. Under this linear  
15 algorithm, the calculated general State aid per pupil shall  
16 decline in direct linear fashion from 0.07 times the  
17 Foundation Level for a school district with Available Local  
18 Resources equal to the product of 0.93 times the Foundation  
19 Level, to 0.05 times the Foundation Level for a school  
20 district with Available Local Resources equal to the product  
21 of 1.75 times the Foundation Level. The allocation of  
22 general State aid for school districts subject to this  
23 paragraph 3 shall be the calculated general State aid per  
24 pupil figure multiplied by the Average Daily Attendance of  
25 the school district.

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

32 (5) The amount of general State aid allocated to a  
33 school district for the 1999-2000 school year meeting the  
34 requirements set forth in paragraph (4) of subsection (G)

1 shall be increased by an amount equal to the general State  
2 aid that would have been received by the district for the  
3 1998-1999 school year by utilizing the Extension Limitation  
4 Equalized Assessed Valuation as calculated in paragraph (4)  
5 of subsection (G) less the general State aid allotted for the  
6 1998-1999 school year. This amount shall be deemed a one  
7 time increase, and shall not affect any future general State  
8 aid allocations.

9 (F) Compilation of Average Daily Attendance.

10 (1) Each school district shall, by July 1 of each year,  
11 submit to the State Board of Education, on forms prescribed  
12 by the State Board of Education, attendance figures for the  
13 school year that began in the preceding calendar year. The  
14 attendance information so transmitted shall identify the  
15 average daily attendance figures for each month of the school  
16 year. Beginning with the general State aid claim form for  
17 the 2002-2003 school year, districts shall calculate Average  
18 Daily Attendance as provided in subdivisions (a), (b), and  
19 (c) of this paragraph (1).

20 (a) In districts that do not hold year-round  
21 classes, days of attendance in August shall be added to  
22 the month of September and any days of attendance in June  
23 shall be added to the month of May.

24 (b) In districts in which all buildings hold  
25 year-round classes, days of attendance in July and August  
26 shall be added to the month of September and any days of  
27 attendance in June shall be added to the month of May.

28 (c) In districts in which some buildings, but not  
29 all, hold year-round classes, for the non-year-round  
30 buildings, days of attendance in August shall be added to  
31 the month of September and any days of attendance in June  
32 shall be added to the month of May. The average daily  
33 attendance for the year-round buildings shall be computed  
34 as provided in subdivision (b) of this paragraph (1). To

1 calculate the Average Daily Attendance for the district,  
2 the average daily attendance for the year-round buildings  
3 shall be multiplied by the days in session for the  
4 non-year-round buildings for each month and added to the  
5 monthly attendance of the non-year-round buildings.

6 Except as otherwise provided in this Section, days of  
7 attendance by pupils shall be counted only for sessions of  
8 not less than 5 clock hours of school work per day under  
9 direct supervision of: (i) teachers, or (ii) non-teaching  
10 personnel or volunteer personnel when engaging in  
11 non-teaching duties and supervising in those instances  
12 specified in subsection (a) of Section 10-22.34 and paragraph  
13 10 of Section 34-18, with pupils of legal school age and in  
14 kindergarten and grades 1 through 12.

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

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

21 (a) Pupils regularly enrolled in a public school  
22 for only a part of the school day may be counted on the  
23 basis of 1/6 day for every class hour of instruction of  
24 40 minutes or more attended pursuant to such enrollment,  
25 unless a pupil is enrolled in a block-schedule format of  
26 80 minutes or more of instruction, in which case the  
27 pupil may be counted on the basis of the proportion of  
28 minutes of school work completed each day to the minimum  
29 number of minutes that school work is required to be held  
30 that day.

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



1 workshop.

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

7 (d) A session of 3 or more clock hours may be  
8 counted as a day of attendance (1) when the remainder of  
9 the school day or at least 2 hours in the evening of that  
10 day is utilized for an in-service training program for  
11 teachers, up to a maximum of 5 days per school year of  
12 which a maximum of 4 days of such 5 days may be used for  
13 parent-teacher conferences, provided a district conducts  
14 an in-service training program for teachers which has  
15 been approved by the State Superintendent of Education;  
16 or, in lieu of 4 such days, 2 full days may be used, in  
17 which event each such day may be counted as a day of  
18 attendance; and (2) when days in addition to those  
19 provided in item (1) are scheduled by a school pursuant  
20 to its school improvement plan adopted under Article 34  
21 or its revised or amended school improvement plan adopted  
22 under Article 2, provided that (i) such sessions of 3 or  
23 more clock hours are scheduled to occur at regular  
24 intervals, (ii) the remainder of the school days in which  
25 such sessions occur are utilized for in-service training  
26 programs or other staff development activities for  
27 teachers, and (iii) a sufficient number of minutes of  
28 school work under the direct supervision of teachers are  
29 added to the school days between such regularly scheduled  
30 sessions to accumulate not less than the number of  
31 minutes by which such sessions of 3 or more clock hours  
32 fall short of 5 clock hours. Any full days used for the  
33 purposes of this paragraph shall not be considered for  
34 computing average daily attendance. Days scheduled for

1 in-service training programs, staff development  
2 activities, or parent-teacher conferences may be  
3 scheduled separately for different grade levels and  
4 different attendance centers of the district.

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

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

17 (g) For children with disabilities who are below  
18 the age of 6 years and who cannot attend 2 or more clock  
19 hours because of their disability or immaturity, a  
20 session of not less than one clock hour may be counted as  
21 1/2 day of attendance; however for such children whose  
22 educational needs so require a session of 4 or more clock  
23 hours may be counted as a full day of attendance.

24 (h) A recognized kindergarten which provides for  
25 only 1/2 day of attendance by each pupil shall not have  
26 more than 1/2 day of attendance counted in any one day.  
27 However, kindergartens may count 2 1/2 days of attendance  
28 in any 5 consecutive school days. When a pupil attends  
29 such a kindergarten for 2 half days on any one school  
30 day, the pupil shall have the following day as a day  
31 absent from school, unless the school district obtains  
32 permission in writing from the State Superintendent of  
33 Education. Attendance at kindergartens which provide for  
34 a full day of attendance by each pupil shall be counted

1 the same as attendance by first grade pupils. Only the  
2 first year of attendance in one kindergarten shall be  
3 counted, except in case of children who entered the  
4 kindergarten in their fifth year whose educational  
5 development requires a second year of kindergarten as  
6 determined under the rules and regulations of the State  
7 Board of Education.

8 (G) Equalized Assessed Valuation Data.

9 (1) For purposes of the calculation of Available Local  
10 Resources required pursuant to subsection (D), the State  
11 Board of Education shall secure from the Department of  
12 Revenue the value as equalized or assessed by the Department  
13 of Revenue of all taxable property of every school district,  
14 together with (i) the applicable tax rate used in extending  
15 taxes for the funds of the district as of September 30 of the  
16 previous year and (ii) the limiting rate for all school  
17 districts subject to property tax extension limitations as  
18 imposed under the Property Tax Extension Limitation Law.

19 This equalized assessed valuation, as adjusted further by  
20 the requirements of this subsection, shall be utilized in the  
21 calculation of Available Local Resources.

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

24 (a) For the purposes of calculating State aid under  
25 this Section, with respect to any part of a school  
26 district within a redevelopment project area in respect  
27 to which a municipality has adopted tax increment  
28 allocation financing pursuant to the Tax Increment  
29 Allocation Redevelopment Act, Sections 11-74.4-1 through  
30 11-74.4-11 of the Illinois Municipal Code or the  
31 Industrial Jobs Recovery Law, Sections 11-74.6-1 through  
32 11-74.6-50 of the Illinois Municipal Code, no part of the  
33 current equalized assessed valuation of real property  
34 located in any such project area which is attributable to

1 an increase above the total initial equalized assessed  
2 valuation of such property shall be used as part of the  
3 equalized assessed valuation of the district, until such  
4 time as all redevelopment project costs have been paid,  
5 as provided in Section 11-74.4-8 of the Tax Increment  
6 Allocation Redevelopment Act or in Section 11-74.6-35 of  
7 the Industrial Jobs Recovery Law. For the purpose of the  
8 equalized assessed valuation of the district, the total  
9 initial equalized assessed valuation or the current  
10 equalized assessed valuation, whichever is lower, shall  
11 be used until such time as all redevelopment project  
12 costs have been paid.

13 (b) The real property equalized assessed valuation  
14 for a school district shall be adjusted by subtracting  
15 from the real property value as equalized or assessed by  
16 the Department of Revenue for the district an amount  
17 computed by dividing the amount of any abatement of taxes  
18 under Section 18-170 of the Property Tax Code by 3.00%  
19 for a district maintaining grades kindergarten through  
20 12, by 2.30% for a district maintaining grades  
21 kindergarten through 8, or by 1.05% for a district  
22 maintaining grades 9 through 12 and adjusted by an amount  
23 computed by dividing the amount of any abatement of taxes  
24 under subsection (a) of Section 18-165 of the Property  
25 Tax Code by the same percentage rates for district type  
26 as specified in this subparagraph (b).

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

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

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

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

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

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

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

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

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

23 If a school district is subject to property tax extension  
24 limitations as imposed under the Property Tax Extension  
25 Limitation Law, the State Board of Education shall calculate  
26 the Extension Limitation Equalized Assessed Valuation of that  
27 district. For the 1999-2000 school year, the Extension  
28 Limitation Equalized Assessed Valuation of a school district  
29 as calculated by the State Board of Education shall be equal  
30 to the product of the district's 1996 Equalized Assessed  
31 Valuation and the district's Extension Limitation Ratio. For  
32 the 2000-2001 school year and each school year thereafter,  
33 the Extension Limitation Equalized Assessed Valuation of a  
34 school district as calculated by the State Board of Education

1 shall be equal to the product of the Equalized Assessed  
2 Valuation last used in the calculation of general State aid  
3 and the district's Extension Limitation Ratio. If the  
4 Extension Limitation Equalized Assessed Valuation of a school  
5 district as calculated under this subsection (G)(3) is less  
6 than the district's equalized assessed valuation as  
7 calculated pursuant to subsections (G)(1) and (G)(2), then  
8 for purposes of calculating the district's general State aid  
9 for the Budget Year pursuant to subsection (E), that  
10 Extension Limitation Equalized Assessed Valuation shall be  
11 utilized to calculate the district's Available Local  
12 Resources under subsection (D).

13 (4) For the purposes of calculating general State aid  
14 for the 1999-2000 school year only, if a school district  
15 experienced a triennial reassessment on the equalized  
16 assessed valuation used in calculating its general State  
17 financial aid apportionment for the 1998-1999 school year,  
18 the State Board of Education shall calculate the Extension  
19 Limitation Equalized Assessed Valuation that would have been  
20 used to calculate the district's 1998-1999 general State aid.  
21 This amount shall equal the product of the equalized assessed  
22 valuation used to calculate general State aid for the  
23 1997-1998 school year and the district's Extension Limitation  
24 Ratio. If the Extension Limitation Equalized Assessed  
25 Valuation of the school district as calculated under this  
26 paragraph (4) is less than the district's equalized assessed  
27 valuation utilized in calculating the district's 1998-1999  
28 general State aid allocation, then for purposes of  
29 calculating the district's general State aid pursuant to  
30 paragraph (5) of subsection (E), that Extension Limitation  
31 Equalized Assessed Valuation shall be utilized to calculate  
32 the district's Available Local Resources.

33 (5) For school districts having a majority of their  
34 equalized assessed valuation in any county except Cook,

1 DuPage, Kane, Lake, McHenry, or Will, if the amount of  
2 general State aid allocated to the school district for the  
3 1999-2000 school year under the provisions of subsection (E),  
4 (H), and (J) of this Section is less than the amount of  
5 general State aid allocated to the district for the 1998-1999  
6 school year under these subsections, then the general State  
7 aid of the district for the 1999-2000 school year only shall  
8 be increased by the difference between these amounts. The  
9 total payments made under this paragraph (5) shall not exceed  
10 \$14,000,000. Claims shall be prorated if they exceed  
11 \$14,000,000.

12 (H) Supplemental General State Aid.

13 (1) In addition to the general State aid a school  
14 district is allotted pursuant to subsection (E), qualifying  
15 school districts shall receive a grant, paid in conjunction  
16 with a district's payments of general State aid, for  
17 supplemental general State aid based upon the concentration  
18 level of children from low-income households within the  
19 school district. Supplemental State aid grants provided for  
20 school districts under this subsection shall be appropriated  
21 for distribution to school districts as part of the same line  
22 item in which the general State financial aid of school  
23 districts is appropriated under this Section. For purposes of  
24 this subsection, the term "Low-Income Concentration Level"  
25 shall be the low-income eligible pupil count from the most  
26 recently available federal census divided by the Average  
27 Daily Attendance of the school district. If, however, (i) the  
28 percentage decrease from the 2 most recent federal censuses  
29 in the low-income eligible pupil count of a high school  
30 district with fewer than 400 students exceeds by 75% or more  
31 the percentage change in the total low-income eligible pupil  
32 count of contiguous elementary school districts, whose  
33 boundaries are coterminous with the high school district, or  
34 (ii) a high school district within 2 counties and serving 5

1 elementary school districts, whose boundaries are coterminous  
2 with the high school district, has a percentage decrease from  
3 the 2 most recent federal censuses in the low-income eligible  
4 pupil count and there is a percentage increase in the total  
5 low-income eligible pupil count of a majority of the  
6 elementary school districts in excess of 50% from the 2 most  
7 recent federal censuses, then the high school district's  
8 low-income eligible pupil count from the earlier federal  
9 census shall be the number used as the low-income eligible  
10 pupil count for the high school district, for purposes of  
11 this subsection (H). The changes made to this paragraph (1)  
12 by Public Act 92-28 shall apply to supplemental general State  
13 aid grants paid in fiscal year 1999 and in each fiscal year  
14 thereafter and to any State aid payments made in fiscal year  
15 1994 through fiscal year 1998 pursuant to subsection 1(n) of  
16 Section 18-8 of this Code (which was repealed on July 1,  
17 1998), and any high school district that is affected by  
18 Public Act 92-28 is entitled to a recomputation of its  
19 supplemental general State aid grant or State aid paid in any  
20 of those fiscal years. This recomputation shall not be  
21 affected by any other funding.

22 (2) Supplemental general State aid pursuant to this  
23 subsection (H) shall be provided as follows for the  
24 1998-1999, 1999-2000, and 2000-2001 school years only:

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

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

33 (c) For any school district with a Low Income  
34 Concentration Level of at least 50% and less than 60%,



1 the grant for the 1998-99 school year shall be \$1,500  
2 multiplied by the low income eligible pupil count.

3 (d) For any school district with a Low Income  
4 Concentration Level of 60% or more, the grant for the  
5 1998-99 school year shall be \$1,900 multiplied by the low  
6 income eligible pupil count.

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

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

15 (2.5) Supplemental general State aid pursuant to this  
16 subsection (H) shall be provided as follows for the 2002-2003  
17 school year and each school year thereafter:

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

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

26 (c) For any school district with a Low Income  
27 Concentration Level of at least 20% and less than 35%,  
28 the grant for each school year shall be \$1,330 multiplied  
29 by the low income eligible pupil count.

30 (d) For any school district with a Low Income  
31 Concentration Level of at least 35% and less than 50%,  
32 the grant for each school year shall be \$1,362 multiplied  
33 by the low income eligible pupil count.

34 (e) For any school district with a Low Income

1 Concentration Level of at least 50% and less than 60%,  
2 the grant for each school year shall be \$1,680 multiplied  
3 by the low income eligible pupil count.

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

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

18 (4) School districts with an Average Daily Attendance of  
19 50,000 or more that qualify for supplemental general State  
20 aid pursuant to this subsection shall be required to  
21 distribute from funds available pursuant to this Section, no  
22 less than \$261,000,000 in accordance with the following  
23 requirements:

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

31 (b) The distribution of these portions of  
32 supplemental and general State aid among attendance  
33 centers according to these requirements shall not be  
34 compensated for or contravened by adjustments of the

1 total of other funds appropriated to any attendance  
2 centers, and the Board of Education shall utilize funding  
3 from one or several sources in order to fully implement  
4 this provision annually prior to the opening of school.

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

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

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

32 (f) Each district subject to the provisions of this  
33 subdivision (H)(4) shall submit an acceptable plan to  
34 meet the educational needs of disadvantaged children, in

1 compliance with the requirements of this paragraph, to  
2 the State Board of Education prior to July 15 of each  
3 year. This plan shall be consistent with the decisions of  
4 local school councils concerning the school expenditure  
5 plans developed in accordance with part 4 of Section  
6 34-2.3. The State Board shall approve or reject the plan  
7 within 60 days after its submission. If the plan is  
8 rejected, the district shall give written notice of  
9 intent to modify the plan within 15 days of the  
10 notification of rejection and then submit a modified plan  
11 within 30 days after the date of the written notice of  
12 intent to modify. Districts may amend approved plans  
13 pursuant to rules promulgated by the State Board of  
14 Education.

15 Upon notification by the State Board of Education  
16 that the district has not submitted a plan prior to July  
17 15 or a modified plan within the time period specified  
18 herein, the State aid funds affected by that plan or  
19 modified plan shall be withheld by the State Board of  
20 Education until a plan or modified plan is submitted.

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

28 For purposes of determining compliance with this  
29 subsection in relation to the requirements of attendance  
30 center funding, each district subject to the provisions  
31 of this subsection shall submit as a separate document by  
32 December 1 of each year a report of expenditure data for  
33 the prior year in addition to any modification of its  
34 current plan. If it is determined that there has been a

1 failure to comply with the expenditure provisions of this  
2 subsection regarding contravention or supplanting, the  
3 State Superintendent of Education shall, within 60 days  
4 of receipt of the report, notify the district and any  
5 affected local school council. The district shall within  
6 45 days of receipt of that notification inform the State  
7 Superintendent of Education of the remedial or corrective  
8 action to be taken, whether by amendment of the current  
9 plan, if feasible, or by adjustment in the plan for the  
10 following year. Failure to provide the expenditure  
11 report or the notification of remedial or corrective  
12 action in a timely manner shall result in a withholding  
13 of the affected funds.

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

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

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

32 (2) For a school district which annexes all of the  
33 territory of one or more entire other school districts, for  
34 the first year during which the change of boundaries

1 attributable to such annexation becomes effective for all  
2 purposes as determined under Section 7-9 or 7A-8, the general  
3 State aid and supplemental general State aid calculated under  
4 this Section shall be computed for the annexing district as  
5 constituted after the annexation and for the annexing and  
6 each annexed district as constituted prior to the annexation;  
7 and if the computation on the basis of the annexing and  
8 annexed districts as constituted prior to the annexation is  
9 greater, a supplementary payment equal to the difference  
10 shall be made for the first 4 years of existence of the  
11 annexing school district as constituted upon such annexation.

12 (3) For 2 or more school districts which annex all of  
13 the territory of one or more entire other school districts,  
14 and for 2 or more community unit districts which result upon  
15 the division (pursuant to petition under Section 11A-2) of  
16 one or more other unit school districts into 2 or more parts  
17 and which together include all of the parts into which such  
18 other unit school district or districts are so divided, for  
19 the first year during which the change of boundaries  
20 attributable to such annexation or division becomes effective  
21 for all purposes as determined under Section 7-9 or 11A-10,  
22 as the case may be, the general State aid and supplemental  
23 general State aid calculated under this Section shall be  
24 computed for each annexing or resulting district as  
25 constituted after the annexation or division and for each  
26 annexing and annexed district, or for each resulting and  
27 divided district, as constituted prior to the annexation or  
28 division; and if the aggregate of the general State aid and  
29 supplemental general State aid as so computed for the  
30 annexing or resulting districts as constituted after the  
31 annexation or division is less than the aggregate of the  
32 general State aid and supplemental general State aid as so  
33 computed for the annexing and annexed districts, or for the  
34 resulting and divided districts, as constituted prior to the

1 annexation or division, then a supplementary payment equal to  
2 the difference shall be made and allocated between or among  
3 the annexing or resulting districts, as constituted upon such  
4 annexation or division, for the first 4 years of their  
5 existence. The total difference payment shall be allocated  
6 between or among the annexing or resulting districts in the  
7 same ratio as the pupil enrollment from that portion of the  
8 annexed or divided district or districts which is annexed to  
9 or included in each such annexing or resulting district bears  
10 to the total pupil enrollment from the entire annexed or  
11 divided district or districts, as such pupil enrollment is  
12 determined for the school year last ending prior to the date  
13 when the change of boundaries attributable to the annexation  
14 or division becomes effective for all purposes. The amount  
15 of the total difference payment and the amount thereof to be  
16 allocated to the annexing or resulting districts shall be  
17 computed by the State Board of Education on the basis of  
18 pupil enrollment and other data which shall be certified to  
19 the State Board of Education, on forms which it shall provide  
20 for that purpose, by the regional superintendent of schools  
21 for each educational service region in which the annexing and  
22 annexed districts, or resulting and divided districts are  
23 located.

24 (3.5) Claims for financial assistance under this  
25 subsection (I) shall not be recomputed except as expressly  
26 provided under this Section.

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

30 (J) Supplementary Grants in Aid.

31 (1) Notwithstanding any other provisions of this  
32 Section, the amount of the aggregate general State aid in  
33 combination with supplemental general State aid under this  
34 Section for which each school district is eligible shall be

1 no less than the amount of the aggregate general State aid  
2 entitlement that was received by the district under Section  
3 18-8 (exclusive of amounts received under subsections 5(p)  
4 and 5(p-5) of that Section) for the 1997-98 school year,  
5 pursuant to the provisions of that Section as it was then in  
6 effect. If a school district qualifies to receive a  
7 supplementary payment made under this subsection (J), the  
8 amount of the aggregate general State aid in combination with  
9 supplemental general State aid under this Section which that  
10 district is eligible to receive for each school year shall be  
11 no less than the amount of the aggregate general State aid  
12 entitlement that was received by the district under Section  
13 18-8 (exclusive of amounts received under subsections 5(p)  
14 and 5(p-5) of that Section) for the 1997-1998 school year,  
15 pursuant to the provisions of that Section as it was then in  
16 effect.

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

28 (3) (Blank).

29 (K) Grants to Laboratory and Alternative Schools.

30 In calculating the amount to be paid to the governing  
31 board of a public university that operates a laboratory  
32 school under this Section or to any alternative school that  
33 is operated by a regional superintendent of schools, the  
34 State Board of Education shall require by rule such reporting



1 requirements as it deems necessary.

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

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

31 Each laboratory and alternative school shall file, on  
32 forms provided by the State Superintendent of Education, an  
33 annual State aid claim which states the Average Daily  
34 Attendance of the school's students by month. The best 3

1 months' Average Daily Attendance shall be computed for each  
2 school. The general State aid entitlement shall be computed  
3 by multiplying the applicable Average Daily Attendance by the  
4 Foundation Level as determined under this Section.

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

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

20 (2) (Blank).

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

23 (M) Education Funding Advisory Board.

24 The Education Funding Advisory Board, hereinafter in this  
25 subsection (M) referred to as the "Board", is hereby created.  
26 The Board shall consist of 5 members who are appointed by the  
27 Governor, by and with the advice and consent of the Senate.  
28 The members appointed shall include representatives of  
29 education, business, and the general public. One of the  
30 members so appointed shall be designated by the Governor at  
31 the time the appointment is made as the chairperson of the  
32 Board. The initial members of the Board may be appointed any  
33 time after the effective date of this amendatory Act of 1997.

1 The regular term of each member of the Board shall be for 4  
2 years from the third Monday of January of the year in which  
3 the term of the member's appointment is to commence, except  
4 that of the 5 initial members appointed to serve on the  
5 Board, the member who is appointed as the chairperson shall  
6 serve for a term that commences on the date of his or her  
7 appointment and expires on the third Monday of January, 2002,  
8 and the remaining 4 members, by lots drawn at the first  
9 meeting of the Board that is held after all 5 members are  
10 appointed, shall determine 2 of their number to serve for  
11 terms that commence on the date of their respective  
12 appointments and expire on the third Monday of January, 2001,  
13 and 2 of their number to serve for terms that commence on the  
14 date of their respective appointments and expire on the third  
15 Monday of January, 2000. All members appointed to serve on  
16 the Board shall serve until their respective successors are  
17 appointed and confirmed. Vacancies shall be filled in the  
18 same manner as original appointments. If a vacancy in  
19 membership occurs at a time when the Senate is not in  
20 session, the Governor shall make a temporary appointment  
21 until the next meeting of the Senate, when he or she shall  
22 appoint, by and with the advice and consent of the Senate, a  
23 person to fill that membership for the unexpired term. If  
24 the Senate is not in session when the initial appointments  
25 are made, those appointments shall be made as in the case of  
26 vacancies.

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

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

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

19 (N) (Blank).

20 (O) References.

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

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

29 (Source: P.A. 91-24, eff. 7-1-99; 91-93, eff. 7-9-99; 91-96,  
30 eff. 7-9-99; 91-111, eff. 7-14-99; 91-357, eff. 7-29-99;  
31 91-533, eff. 8-13-99; 92-7, eff. 6-29-01; 92-16, eff.  
32 6-28-01; 92-28, eff. 7-1-01; 92-29, eff. 7-1-01; 92-269, eff.  
33 8-7-01; 92-604, eff. 7-1-02; 92-636, eff. 7-11-02; 92-651,

1 eff. 7-11-02; revised 7-26-02.)

2 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

3 Sec. 34-18. Powers of the board. The board shall  
4 exercise general supervision and jurisdiction over the public  
5 education and the public school system of the city, and,  
6 except as otherwise provided by this Article, shall have  
7 power:

8 1. To make suitable provision for the establishment  
9 and maintenance throughout the year or for such portion  
10 thereof as it may direct, not less than 9 months, of  
11 schools of all grades and kinds, including normal  
12 schools, high schools, night schools, schools for  
13 defectives and delinquents, parental and truant schools,  
14 schools for the blind, the deaf and the crippled, schools  
15 or classes in manual training, constructural and  
16 vocational teaching, domestic arts and physical culture,  
17 vocation and extension schools and lecture courses, and  
18 all other educational courses and facilities, including  
19 establishing, equipping, maintaining and operating  
20 playgrounds and recreational programs, when such programs  
21 are conducted in, adjacent to, or connected with any  
22 public school under the general supervision and  
23 jurisdiction of the board; provided, however, that in  
24 allocating funds from year to year for the operation of  
25 all attendance centers within the district, the board  
26 shall ensure that supplemental general State aid funds  
27 are allocated and applied in accordance with Section 18-8  
28 or 18-8.05. To admit to such schools without charge  
29 foreign exchange students who are participants in an  
30 organized exchange student program which is authorized by  
31 the board. The board shall permit all students to enroll  
32 in apprenticeship programs in trade schools operated by  
33 the board, whether those programs are union-sponsored or

1 not. No student shall be refused admission into or be  
2 excluded from any course of instruction offered in the  
3 common schools by reason of that student's sex. No  
4 student shall be denied equal access to physical  
5 education and interscholastic athletic programs supported  
6 from school district funds or denied participation in  
7 comparable physical education and athletic programs  
8 solely by reason of the student's sex. Equal access to  
9 programs supported from school district funds and  
10 comparable programs will be defined in rules promulgated  
11 by the State Board of Education in consultation with the  
12 Illinois High School Association. Notwithstanding any  
13 other provision of this Article, neither the board of  
14 education nor any local school council or other school  
15 official shall recommend that children with disabilities  
16 be placed into regular education classrooms unless those  
17 children with disabilities are provided with  
18 supplementary services to assist them so that they  
19 benefit from the regular classroom instruction and are  
20 included on the teacher's regular education class  
21 register;

22 2. To furnish lunches to pupils, to make a  
23 reasonable charge therefor, and to use school funds for  
24 the payment of such expenses as the board may determine  
25 are necessary in conducting the school lunch program;

26 3. To co-operate with the circuit court;

27 4. To make arrangements with the public or  
28 quasi-public libraries and museums for the use of their  
29 facilities by teachers and pupils of the public schools;

30 5. To employ dentists and prescribe their duties  
31 for the purpose of treating the pupils in the schools,  
32 but accepting such treatment shall be optional with  
33 parents or guardians;

34 6. To grant the use of assembly halls and

1 classrooms when not otherwise needed, including light,  
2 heat, and attendants, for free public lectures, concerts,  
3 and other educational and social interests, free of  
4 charge, under such provisions and control as the  
5 principal of the affected attendance center may  
6 prescribe;

7 7. To apportion the pupils to the several schools;  
8 provided that no pupil shall be excluded from or  
9 segregated in any such school on account of his color,  
10 race, sex, or nationality. The board shall take into  
11 consideration the prevention of segregation and the  
12 elimination of separation of children in public schools  
13 because of color, race, sex, or nationality. Except that  
14 children may be committed to or attend parental and  
15 social adjustment schools established and maintained  
16 either for boys or girls only. All records pertaining to  
17 the creation, alteration or revision of attendance areas  
18 shall be open to the public. Nothing herein shall limit  
19 the board's authority to establish multi-area attendance  
20 centers or other student assignment systems for  
21 desegregation purposes or otherwise, and to apportion the  
22 pupils to the several schools. Furthermore, beginning in  
23 school year 1994-95, pursuant to a board plan adopted by  
24 October 1, 1993, the board shall offer, commencing on a  
25 phased-in basis, the opportunity for families within the  
26 school district to apply for enrollment of their children  
27 in any attendance center within the school district which  
28 does not have selective admission requirements approved  
29 by the board. The appropriate geographical area in which  
30 such open enrollment may be exercised shall be determined  
31 by the board of education. Such children may be admitted  
32 to any such attendance center on a space available basis  
33 after all children residing within such attendance  
34 center's area have been accommodated. If the number of

1 applicants from outside the attendance area exceed the  
2 space available, then successful applicants shall be  
3 selected by lottery. The board of education's open  
4 enrollment plan must include provisions that allow low  
5 income students to have access to transportation needed  
6 to exercise school choice. Open enrollment shall be in  
7 compliance with the provisions of the Consent Decree and  
8 Desegregation Plan cited in Section 34-1.01;

9 8. To approve programs and policies for providing  
10 transportation services to students. Nothing herein shall  
11 be construed to permit or empower the State Board of  
12 Education to order, mandate, or require busing or other  
13 transportation of pupils for the purpose of achieving  
14 racial balance in any school;

15 9. Subject to the limitations in this Article, to  
16 establish and approve system-wide curriculum objectives  
17 and standards, including graduation standards, which  
18 reflect the multi-cultural diversity in the city and are  
19 consistent with State law, provided that for all purposes  
20 of this Article courses or proficiency in American Sign  
21 Language shall be deemed to constitute courses or  
22 proficiency in a foreign language; and to employ  
23 principals and teachers, appointed as provided in this  
24 Article, and fix their compensation. The board shall  
25 prepare such reports related to minimal competency  
26 testing as may be requested by the State Board of  
27 Education, and in addition shall monitor and approve  
28 special education and bilingual education programs and  
29 policies within the district to assure that appropriate  
30 services are provided in accordance with applicable State  
31 and federal laws to children requiring services and  
32 education in those areas;

33 10. To employ non-teaching personnel or utilize  
34 volunteer personnel for: (i) non-teaching duties not



1 requiring instructional judgment or evaluation of pupils,  
2 including library duties; and (ii) supervising study  
3 halls, long distance teaching reception areas used  
4 incident to instructional programs transmitted by  
5 electronic media such as computers, video, and audio,  
6 detention and discipline areas, and school-sponsored  
7 extracurricular activities. The board may further  
8 utilize volunteer non-certificated personnel or employ  
9 non-certificated personnel to assist in the instruction  
10 of pupils under the immediate supervision of a teacher  
11 holding a valid certificate, directly engaged in teaching  
12 subject matter or conducting activities; provided that  
13 the teacher shall be continuously aware of the  
14 non-certificated persons' activities and shall be able to  
15 control or modify them. The general superintendent shall  
16 determine qualifications of such personnel and shall  
17 prescribe rules for determining the duties and activities  
18 to be assigned to such personnel;

19 10.5. To utilize volunteer personnel from a  
20 regional School Crisis Assistance Team (S.C.A.T.),  
21 created as part of the Safe to Learn Program established  
22 pursuant to Section 25 of the Illinois Violence  
23 Prevention Act of 1995, to provide assistance to schools  
24 in times of violence or other traumatic incidents within  
25 a school community by providing crisis intervention  
26 services to lessen the effects of emotional trauma on  
27 individuals and the community; the School Crisis  
28 Assistance Team Steering Committee shall determine the  
29 qualifications for volunteers;

30 11. To provide television studio facilities in not  
31 to exceed one school building and to provide programs for  
32 educational purposes, provided, however, that the board  
33 shall not construct, acquire, operate, or maintain a  
34 television transmitter; to grant the use of its studio

1 facilities to a licensed television station located in  
2 the school district; and to maintain and operate not to  
3 exceed one school radio transmitting station and provide  
4 programs for educational purposes;

5 12. To offer, if deemed appropriate, outdoor  
6 education courses, including field trips within the State  
7 of Illinois, or adjacent states, and to use school  
8 educational funds for the expense of the said outdoor  
9 educational programs, whether within the school district  
10 or not;

11 13. During that period of the calendar year not  
12 embraced within the regular school term, to provide and  
13 conduct courses in subject matters normally embraced in  
14 the program of the schools during the regular school term  
15 and to give regular school credit for satisfactory  
16 completion by the student of such courses as may be  
17 approved for credit by the State Board of Education;

18 14. To insure against any loss or liability of the  
19 board, the former School Board Nominating Commission,  
20 Local School Councils, the Chicago Schools Academic  
21 Accountability Council, or the former Subdistrict  
22 Councils or of any member, officer, agent or employee  
23 thereof, resulting from alleged violations of civil  
24 rights arising from incidents occurring on or after  
25 September 5, 1967 or from the wrongful or negligent act  
26 or omission of any such person whether occurring within  
27 or without the school premises, provided the officer,  
28 agent or employee was, at the time of the alleged  
29 violation of civil rights or wrongful act or omission,  
30 acting within the scope of his employment or under  
31 direction of the board, the former School Board  
32 Nominating Commission, the Chicago Schools Academic  
33 Accountability Council, Local School Councils, or the  
34 former Subdistrict Councils; and to provide for or

1 participate in insurance plans for its officers and  
2 employees, including but not limited to retirement  
3 annuities, medical, surgical and hospitalization benefits  
4 in such types and amounts as may be determined by the  
5 board; provided, however, that the board shall contract  
6 for such insurance only with an insurance company  
7 authorized to do business in this State. Such insurance  
8 may include provision for employees who rely on treatment  
9 by prayer or spiritual means alone for healing, in  
10 accordance with the tenets and practice of a recognized  
11 religious denomination;

12 15. To contract with the corporate authorities of  
13 any municipality or the county board of any county, as  
14 the case may be, to provide for the regulation of traffic  
15 in parking areas of property used for school purposes, in  
16 such manner as is provided by Section 11-209 of The  
17 Illinois Vehicle Code, approved September 29, 1969, as  
18 amended;

19 16. (a) To provide, on an equal basis, access to a  
20 high school campus and student directory information to  
21 the official recruiting representatives of the armed  
22 forces of Illinois and the United States for the purposes  
23 of informing students of the educational and career  
24 opportunities available in the military if the board has  
25 provided such access to persons or groups whose purpose  
26 is to acquaint students with educational or occupational  
27 opportunities available to them. The board is not  
28 required to give greater notice regarding the right of  
29 access to recruiting representatives than is given to  
30 other persons and groups. In this paragraph 16,  
31 "directory information" means a high school student's  
32 name, address, and telephone number.

33 (b) If a student or his or her parent or guardian  
34 submits a signed, written request to the high school

1 before the end of the student's sophomore year (or if the  
2 student is a transfer student, by another time set by the  
3 high school) that indicates that the student or his or  
4 her parent or guardian does not want the student's  
5 directory information to be provided to official  
6 recruiting representatives under subsection (a) of this  
7 Section, the high school may not provide access to the  
8 student's directory information to these recruiting  
9 representatives. The high school shall notify its  
10 students and their parents or guardians of the provisions  
11 of this subsection (b).

12 (c) A high school may require official recruiting  
13 representatives of the armed forces of Illinois and the  
14 United States to pay a fee for copying and mailing a  
15 student's directory information in an amount that is not  
16 more than the actual costs incurred by the high school.

17 (d) Information received by an official recruiting  
18 representative under this Section may be used only to  
19 provide information to students concerning educational  
20 and career opportunities available in the military and  
21 may not be released to a person who is not involved in  
22 recruiting students for the armed forces of Illinois or  
23 the United States;

24 17. (a) To sell or market any computer program  
25 developed by an employee of the school district, provided  
26 that such employee developed the computer program as a  
27 direct result of his or her duties with the school  
28 district or through the utilization of the school  
29 district resources or facilities. The employee who  
30 developed the computer program shall be entitled to share  
31 in the proceeds of such sale or marketing of the computer  
32 program. The distribution of such proceeds between the  
33 employee and the school district shall be as agreed upon  
34 by the employee and the school district, except that

1 neither the employee nor the school district may receive  
2 more than 90% of such proceeds. The negotiation for an  
3 employee who is represented by an exclusive bargaining  
4 representative may be conducted by such bargaining  
5 representative at the employee's request.

6 (b) For the purpose of this paragraph 17:

7 (1) "Computer" means an internally programmed,  
8 general purpose digital device capable of  
9 automatically accepting data, processing data and  
10 supplying the results of the operation.

11 (2) "Computer program" means a series of coded  
12 instructions or statements in a form acceptable to a  
13 computer, which causes the computer to process data  
14 in order to achieve a certain result.

15 (3) "Proceeds" means profits derived from  
16 marketing or sale of a product after deducting the  
17 expenses of developing and marketing such product;

18 18. To delegate to the general superintendent of  
19 schools, by resolution, the authority to approve  
20 contracts and expenditures in amounts of \$10,000 or less;

21 19. Upon the written request of an employee, to  
22 withhold from the compensation of that employee any dues,  
23 payments or contributions payable by such employee to any  
24 labor organization as defined in the Illinois Educational  
25 Labor Relations Act. Under such arrangement, an amount  
26 shall be withheld from each regular payroll period which  
27 is equal to the pro rata share of the annual dues plus  
28 any payments or contributions, and the board shall  
29 transmit such withholdings to the specified labor  
30 organization within 10 working days from the time of the  
31 withholding;

32 19a. Upon receipt of notice from the comptroller of  
33 a municipality with a population of 500,000 or more, a  
34 county with a population of 3,000,000 or more, the Cook

1 County Forest Preserve District, the Chicago Park  
2 District, the Metropolitan Water Reclamation District,  
3 the Chicago Transit Authority, or a housing authority of  
4 a municipality with a population of 500,000 or more that  
5 a debt is due and owing the municipality, the county, the  
6 Cook County Forest Preserve District, the Chicago Park  
7 District, the Metropolitan Water Reclamation District,  
8 the Chicago Transit Authority, or the housing authority  
9 by an employee of the Chicago Board of Education, to  
10 withhold, from the compensation of that employee, the  
11 amount of the debt that is due and owing and pay the  
12 amount withheld to the municipality, the county, the Cook  
13 County Forest Preserve District, the Chicago Park  
14 District, the Metropolitan Water Reclamation District,  
15 the Chicago Transit Authority, or the housing authority;  
16 provided, however, that the amount deducted from any one  
17 salary or wage payment shall not exceed 25% of the net  
18 amount of the payment. Before the Board deducts any  
19 amount from any salary or wage of an employee under this  
20 paragraph, the municipality, the county, the Cook County  
21 Forest Preserve District, the Chicago Park District, the  
22 Metropolitan Water Reclamation District, the Chicago  
23 Transit Authority, or the housing authority shall certify  
24 that (i) the employee has been afforded an opportunity  
25 for a hearing to dispute the debt that is due and owing  
26 the municipality, the county, the Cook County Forest  
27 Preserve District, the Chicago Park District, the  
28 Metropolitan Water Reclamation District, the Chicago  
29 Transit Authority, or the housing authority and (ii) the  
30 employee has received notice of a wage deduction order  
31 and has been afforded an opportunity for a hearing to  
32 object to the order. For purposes of this paragraph,  
33 "net amount" means that part of the salary or wage  
34 payment remaining after the deduction of any amounts

1 required by law to be deducted and "debt due and owing"  
2 means (i) a specified sum of money owed to the  
3 municipality, the county, the Cook County Forest Preserve  
4 District, the Chicago Park District, the Metropolitan  
5 Water Reclamation District, the Chicago Transit  
6 Authority, or the housing authority for services, work,  
7 or goods, after the period granted for payment has  
8 expired, or (ii) a specified sum of money owed to the  
9 municipality, the county, the Cook County Forest Preserve  
10 District, the Chicago Park District, the Metropolitan  
11 Water Reclamation District, the Chicago Transit  
12 Authority, or the housing authority pursuant to a court  
13 order or order of an administrative hearing officer after  
14 the exhaustion of, or the failure to exhaust, judicial  
15 review;

16 20. The board is encouraged to employ a sufficient  
17 number of certified school counselors to maintain a  
18 student/counselor ratio of 250 to 1 by July 1, 1990.  
19 Each counselor shall spend at least 75% of his work time  
20 in direct contact with students and shall maintain a  
21 record of such time;

22 21. To make available to students vocational and  
23 career counseling and to establish 5 special career  
24 counseling days for students and parents. On these days  
25 representatives of local businesses and industries shall  
26 be invited to the school campus and shall inform students  
27 of career opportunities available to them in the various  
28 businesses and industries. Special consideration shall  
29 be given to counseling minority students as to career  
30 opportunities available to them in various fields. For  
31 the purposes of this paragraph, minority student means a  
32 person who is:

33 (a) Black (a person having origins in any of  
34 the black racial groups in Africa);

1 (b) Hispanic (a person of Spanish or  
2 Portuguese culture with origins in Mexico, South or  
3 Central America, or the Caribbean islands,  
4 regardless of race);

5 (c) Asian American (a person having origins in  
6 any of the original peoples of the Far East,  
7 Southeast Asia, the Indian Subcontinent or the  
8 Pacific Islands); or

9 (d) American Indian or Alaskan Native (a  
10 person having origins in any of the original peoples  
11 of North America).

12 Counseling days shall not be in lieu of regular  
13 school days;

14 22. To report to the State Board of Education the  
15 annual student dropout rate and number of students who  
16 graduate from, transfer from or otherwise leave bilingual  
17 programs;

18 23. Except as otherwise provided in the Abused and  
19 Neglected Child Reporting Act or other applicable State  
20 or federal law, to permit school officials to withhold,  
21 from any person, information on the whereabouts of any  
22 child removed from school premises when the child has  
23 been taken into protective custody as a victim of  
24 suspected child abuse. School officials shall direct  
25 such person to the Department of Children and Family  
26 Services, or to the local law enforcement agency if  
27 appropriate;

28 24. To develop a policy, based on the current state  
29 of existing school facilities, projected enrollment and  
30 efficient utilization of available resources, for capital  
31 improvement of schools and school buildings within the  
32 district, addressing in that policy both the relative  
33 priority for major repairs, renovations and additions to  
34 school facilities, and the advisability or necessity of



1 building new school facilities or closing existing  
2 schools to meet current or projected demographic patterns  
3 within the district;

4 25. To make available to the students in every high  
5 school attendance center the ability to take all courses  
6 necessary to comply with the Board of Higher Education's  
7 college entrance criteria effective in 1993;

8 26. To encourage mid-career changes into the  
9 teaching profession, whereby qualified professionals  
10 become certified teachers, by allowing credit for  
11 professional employment in related fields when  
12 determining point of entry on teacher pay scale;

13 27. To provide or contract out training programs  
14 for administrative personnel and principals with revised  
15 or expanded duties pursuant to this Act in order to  
16 assure they have the knowledge and skills to perform  
17 their duties;

18 28. To establish a fund for the prioritized special  
19 needs programs, and to allocate such funds and other lump  
20 sum amounts to each attendance center in a manner  
21 consistent with the provisions of part 4 of Section  
22 34-2.3. Nothing in this paragraph shall be construed to  
23 require any additional appropriations of State funds for  
24 this purpose;

25 29. (Blank);

26 30. Notwithstanding any other provision of this Act  
27 or any other law to the contrary, to contract with third  
28 parties for services otherwise performed by employees,  
29 including those in a bargaining unit, and to layoff those  
30 employees upon 14 days written notice to the affected  
31 employees. Those contracts may be for a period not to  
32 exceed 5 years and may be awarded on a system-wide basis;

33 31. To promulgate rules establishing procedures  
34 governing the layoff or reduction in force of employees

1 and the recall of such employees, including, but not  
2 limited to, criteria for such layoffs, reductions in  
3 force or recall rights of such employees and the weight  
4 to be given to any particular criterion. Such criteria  
5 shall take into account factors including, but not be  
6 limited to, qualifications, certifications, experience,  
7 performance ratings or evaluations, and any other factors  
8 relating to an employee's job performance; and

9 32. To develop a policy to prevent nepotism in the  
10 hiring of personnel or the selection of contractors.

11 The specifications of the powers herein granted are not  
12 to be construed as exclusive but the board shall also  
13 exercise all other powers that they may be requisite or  
14 proper for the maintenance and the development of a public  
15 school system, not inconsistent with the other provisions of  
16 this Article or provisions of this Code which apply to all  
17 school districts.

18 In addition to the powers herein granted and authorized  
19 to be exercised by the board, it shall be the duty of the  
20 board to review or to direct independent reviews of special  
21 education expenditures and services. The board shall file a  
22 report of such review with the General Assembly on or before  
23 May 1, 1990.

24 (Source: P.A. 92-109, eff. 7-20-01; 92-527, eff. 6-1-02;  
25 92-724, eff. 7-25-02; revised 9-24-02.)

26 (105 ILCS 5/34-18.23)

27 Sec. 34-18.23. Medical information form for bus drivers  
28 and emergency medical technicians. The school district is  
29 encouraged to create and use an emergency medical information  
30 form for bus drivers and emergency medical technicians for  
31 those students with special needs or medical conditions. The  
32 form may include without limitation information to be  
33 provided by the student's parent or legal guardian concerning

1 the student's relevant medical conditions, medications that  
2 the student is taking, the student's communication skills,  
3 and how a bus driver or an emergency medical technician is to  
4 respond to certain behaviors of the student. If the form is  
5 used, the school district is encouraged to notify parents and  
6 legal guardians of the availability of the form. The parent  
7 or legal guardian of the student may fill out the form and  
8 submit it to the school that the student is attending. The  
9 school district is encouraged to keep one copy of the form on  
10 file at the school and another copy on the student's school  
11 bus in a secure location.

12 (Source: P.A. 92-580, eff. 7-1-02.)

13 (105 ILCS 5/34-18.24)

14 Sec. ~~34-18.24~~ 34-18-23. Transfer of students. The board  
15 shall establish and implement a policy governing the transfer  
16 of a student from one attendance center to another within the  
17 school district upon the request of the student's parent or  
18 guardian. Any request by a parent or guardian to transfer his  
19 or her child from one attendance center to another within the  
20 school district pursuant to Section 1116 of the federal  
21 Elementary and Secondary Education Act of 1965 (20 U.S.C.  
22 Sec. 6317) must be made no later than 30 days after the  
23 parent or guardian receives notice of the right to transfer  
24 pursuant to that law. A student may not transfer to any of  
25 the following attendance centers, except by change in  
26 residence if the policy authorizes enrollment based on  
27 residence in an attendance area or unless approved by the  
28 board on an individual basis:

29 (1) An attendance center that exceeds or as a  
30 result of the transfer would exceed its attendance  
31 capacity.

32 (2) An attendance center for which the board has  
33 established academic criteria for enrollment if the

1 student does not meet the criteria, provided that the  
2 transfer must be permitted if the attendance center is  
3 the only attendance center serving the student's grade  
4 that has not been identified for school improvement,  
5 corrective action, or restructuring under Section 1116 of  
6 the federal Elementary and Secondary Education Act of  
7 1965 (20 U.S.C. Sec. 6317).

8 (3) Any attendance center if the transfer would  
9 prevent the school district from meeting its obligations  
10 under a State or federal law, court order, or consent  
11 decree applicable to the school district.

12 (Source: P.A. 92-604, eff. 7-1-02; revised 9-3-02.)

13 (105 ILCS 5/34-18.25)

14 Sec. 34-18.25 ~~34-18-23~~. Psychotropic or psychostimulant  
15 medication; disciplinary action.

16 (a) In this Section:

17 "Psychostimulant medication" means medication that  
18 produces increased levels of mental and physical energy and  
19 alertness and an elevated mood by stimulating the central  
20 nervous system.

21 "Psychotropic medication" means psychotropic medication  
22 as defined in Section 1-121.1 of the Mental Health and  
23 Developmental Disabilities Code.

24 (b) The board must adopt and implement a policy that  
25 prohibits any disciplinary action that is based totally or in  
26 part on the refusal of a student's parent or guardian to  
27 administer or consent to the administration of psychotropic  
28 or psychostimulant medication to the student.

29 The policy must require that, at least once every 2  
30 years, the in-service training of certified school personnel  
31 and administrators include training on current best practices  
32 regarding the identification and treatment of attention  
33 deficit disorder and attention deficit hyperactivity

1 disorder, the application of non-aversive behavioral  
2 interventions in the school environment, and the use of  
3 psychotropic or psychostimulant medication for school-age  
4 children.

5 (c) This Section does not prohibit school medical staff,  
6 an individualized educational program team, or a professional  
7 worker (as defined in Section 14-1.10 of this Code) from  
8 recommending that a student be evaluated by an appropriate  
9 medical practitioner or prohibit school personnel from  
10 consulting with the practitioner with the consent of the  
11 student's parents or guardian.

12 (Source: P.A. 92-663, eff. 1-1-03; revised 9-3-02.)

13 Section 31. The Illinois Educational Labor Relations Act  
14 is amended by changing Section 2 as follows:

15 (115 ILCS 5/2) (from Ch. 48, par. 1702)

16 Sec. 2. Definitions. As used in this Act:

17 (a) "Educational employer" or "employer" means the  
18 governing body of a public school district, combination of  
19 public school districts, including the governing body of  
20 joint agreements of any type formed by 2 or more school  
21 districts, public community college district or State college  
22 or university, and any State agency whose major function is  
23 providing educational services. "Educational employer" or  
24 "employer" does not include a Financial Oversight Panel  
25 created pursuant to Section 1A-8 of the School Code due to a  
26 district violating a financial plan but does include a School  
27 Finance Authority created under Article 1E of the School  
28 Code.

29 (b) "Educational employee" or "employee" means any  
30 individual, excluding supervisors, managerial, confidential,  
31 short term employees, student, and part-time academic  
32 employees of community colleges employed full or part time by

1 an educational employer, but shall not include elected  
2 officials and appointees of the Governor with the advice and  
3 consent of the Senate, firefighters as defined by subsection  
4 (g-1) of Section 3 of the Illinois Public Labor Relations  
5 Act, and peace officers employed by a State university. For  
6 the purposes of this Act, part-time academic employees of  
7 community colleges shall be defined as those employees who  
8 provide less than 6 credit hours of instruction per academic  
9 semester.

10 (c) "Employee organization" or "labor organization"  
11 means an organization of any kind in which membership  
12 includes educational employees, and which exists for the  
13 purpose, in whole or in part, of dealing with employers  
14 concerning grievances, employee-employer disputes, wages,  
15 rates of pay, hours of employment, or conditions of work, but  
16 shall not include any organization which practices  
17 discrimination in membership because of race, color, creed,  
18 age, gender, national origin or political affiliation.

19 (d) "Exclusive representative" means the labor  
20 organization which has been designated by the Illinois  
21 Educational Labor Relations Board as the representative of  
22 the majority of educational employees in an appropriate unit,  
23 or recognized by an educational employer prior to January 1,  
24 1984 as the exclusive representative of the employees in an  
25 appropriate unit or, after January 1, 1984, recognized by an  
26 employer upon evidence that the employee organization has  
27 been designated as the exclusive representative by a majority  
28 of the employees in an appropriate unit.

29 (e) "Board" means the Illinois Educational Labor  
30 Relations Board.

31 (f) "Regional Superintendent" means the regional  
32 superintendent of schools provided for in Articles 3 and 3A  
33 of The School Code.

34 (g) "Supervisor" means any individual having authority

1 in the interests of the employer to hire, transfer, suspend,  
2 lay off, recall, promote, discharge, reward or discipline  
3 other employees within the appropriate bargaining unit and  
4 adjust their grievances, or to effectively recommend such  
5 action if the exercise of such authority is not of a merely  
6 routine or clerical nature but requires the use of  
7 independent judgment. The term "supervisor" includes only  
8 those individuals who devote a preponderance of their  
9 employment time to such exercising authority.

10 (h) "Unfair labor practice" or "unfair practice" means  
11 any practice prohibited by Section 14 of this Act.

12 (i) "Person" includes an individual, educational  
13 employee, educational employer, legal representative, or  
14 employee organization.

15 (j) "Wages" means salaries or other forms of  
16 compensation for services rendered.

17 (k) "Professional employee" means, in the case of a  
18 public community college, State college or university, State  
19 agency whose major function is providing educational  
20 services, the Illinois School for the Deaf, and the Illinois  
21 School for the Visually Impaired, (1) any employee engaged in  
22 work (i) predominantly intellectual and varied in character  
23 as opposed to routine mental, manual, mechanical, or physical  
24 work; (ii) involving the consistent exercise of discretion  
25 and judgment in its performance; (iii) of such character that  
26 the output produced or the result accomplished cannot be  
27 standardized in relation to a given period of time; and (iv)  
28 requiring knowledge of an advanced type in a field of science  
29 or learning customarily acquired by a prolonged course of  
30 specialized intellectual instruction and study in an  
31 institution of higher learning or a hospital, as  
32 distinguished from a general academic education or from an  
33 apprenticeship or from training in the performance of routine  
34 mental, manual, or physical processes; or (2) any employee,

1 who (i) has completed the courses of specialized intellectual  
2 instruction and study described in clause (iv) of paragraph  
3 (1) of this subsection, and (ii) is performing related work  
4 under the supervision of a professional person to qualify  
5 himself or herself to become a professional as defined in  
6 paragraph (1).

7 (l) "Professional employee" means, in the case of any  
8 public school district, or combination of school districts  
9 pursuant to joint agreement, any employee who has a  
10 certificate issued under Article 21 or Section 34-83 of the  
11 School Code, as now or hereafter amended.

12 (m) "Unit" or "bargaining unit" means any group of  
13 employees for which an exclusive representative is selected.

14 (n) "Confidential employee" means an employee, who (i)  
15 in the regular course of his or her duties, assists and acts  
16 in a confidential capacity to persons who formulate,  
17 determine and effectuate management policies with regard to  
18 labor relations or who (ii) in the regular course of his or  
19 her duties has access to information relating to the  
20 effectuation or review of the employer's collective  
21 bargaining policies.

22 (o) "Managerial employee" means an individual who is  
23 engaged predominantly in executive and management functions  
24 and is charged with the responsibility of directing the  
25 effectuation of such management policies and practices.

26 (p) "Craft employee" means a skilled journeyman, craft  
27 person, and his or her apprentice or helper.

28 (q) "Short-term employee" is an employee who is employed  
29 for less than 2 consecutive calendar quarters during a  
30 calendar year and who does not have a reasonable expectation  
31 that he or she will be rehired by the same employer for the  
32 same service in a subsequent calendar year. Nothing in this  
33 subsection shall affect the employee status of individuals  
34 who were covered by a collective bargaining agreement on the



1 effective date of this amendatory Act of 1991.  
2 (Source: P.A. 92-547, eff. 6-13-02; 92-748, eff. 1-1-03;  
3 revised 8-26-02.)

4 Section 32. The Illinois Savings and Loan Act of 1985 is  
5 amended by setting forth and renumbering multiple versions of  
6 Section 1-6e as follows:

7 (205 ILCS 105/1-6e)

8 Sec. 1-6e. Reverse mortgage; disclosure. At the time a  
9 reverse mortgage loan is made, the lender must provide to the  
10 mortgagor a separate document that informs the mortgagor that  
11 by obtaining the reverse mortgage the mortgagor's eligibility  
12 to obtain a tax deferral under the Senior Citizens Real  
13 Estate Tax Deferral Act may be adversely affected. The  
14 mortgagor must sign the disclosure document as part of the  
15 reverse mortgage transaction.

16 (Source: P.A. 92-577, eff. 6-26-02.)

17 (205 ILCS 105/1-6f)

18 Sec. 1-6f 1-6e. Non-English language transactions. An  
19 association may conduct transactions in a language other than  
20 English through an employee or agent acting as interpreter or  
21 through an interpreter provided by the customer.

22 (Source: P.A. 92-578, eff. 6-26-02; revised 9-3-02.)

23 Section 33. The Illinois Credit Union Act is amended by  
24 changing Sections 13 and 30 as follows:

25 (205 ILCS 305/13) (from Ch. 17, par. 4414)

26 Sec. 13. General powers. A credit union may:

27 (1) Make contracts; sue and be sued; and adopt and  
28 use a common seal and alter the same;

29 (2) Acquire, lease (either as lessee or lessor),

1 hold, pledge, mortgage, sell and dispose of real  
2 property, either in whole or in part, or any interest  
3 therein, as may be necessary or incidental to its present  
4 or future operations and needs, subject to such  
5 limitations as may be imposed thereon in rules and  
6 regulations promulgated by the Director; acquire, lease  
7 (either as lessee or lessor), hold, pledge, mortgage,  
8 sell and dispose of personal property, either in whole or  
9 in part, or any interest therein, as may be necessary or  
10 incidental to its present or future operations and needs;

11 (3) At the discretion of the Board of Directors,  
12 require the payment of an entrance fee or annual  
13 membership fee, or both, of any person admitted to  
14 membership;

15 (4) Receive savings from its members in the form of  
16 shares of various classes, or special purpose share  
17 accounts; act as custodian of its members' accounts;  
18 issue shares in trust as provided in this Act;

19 (5) Lend its funds to its members and otherwise as  
20 hereinafter provided;

21 (6) Borrow from any source in accordance with  
22 policy established by the Board of Directors to a maximum  
23 of 50% of capital, surplus and reserves;

24 (7) Discount and sell any obligations owed to the  
25 credit union;

26 (8) Honor requests for withdrawals or transfers of  
27 all or any part of member share accounts, and any classes  
28 thereof, in any manner approved by the credit union Board  
29 of Directors;

30 (9) Sell all or substantially all of its assets or  
31 purchase all or substantially all of the assets of  
32 another credit union, subject to the prior approval of  
33 the Director;

34 (10) Invest surplus funds as provided in this Act;

1 (11) Make deposits in banks, savings banks, savings  
2 and loan associations, trust companies; and invest in  
3 shares, classes of shares or share certificates of other  
4 credit unions;

5 (12) Assess charges and fees to members in  
6 accordance with board resolution;

7 (13) Hold membership in and pay dues to  
8 associations and organizations; to invest in shares,  
9 stocks or obligations of any credit union organization;

10 (14) Declare dividends and pay interest refunds to  
11 borrowers as provided in this Act;

12 (15) Collect, receive and disburse monies in  
13 connection with providing negotiable checks, money orders  
14 and other money-type instruments, and for such other  
15 purposes as may provide benefit or convenience to its  
16 members, and charge a reasonable fee for such services;

17 (16) Act as fiscal agent for and receive deposits  
18 from the federal government, this state or any agency or  
19 political subdivision thereof;

20 (17) Receive savings from nonmembers in the form of  
21 shares or share accounts in the case of credit unions  
22 serving predominantly low-income members. The term "low  
23 income members" shall mean those members who make less  
24 than 80% of the average for all wage earners as  
25 established by the Bureau of Labor Statistics or those  
26 members whose annual household income falls at or below  
27 80% of the median household income for the nation as  
28 established by the Census Bureau. The term  
29 "predominantly" is defined as a simple majority;

30 (18) To Establish, maintain, and operate terminals  
31 as authorized by the Electronic Fund Transfer Act; and

32 (19) Subject to Article XLIV of the Illinois  
33 Insurance Code, to act as the agent for any fire, life,  
34 or other insurance company authorized by the State of

1 Illinois, by soliciting and selling insurance and  
2 collecting premiums on policies issued by such company;  
3 and may receive for services so rendered such fees or  
4 commissions as may be agreed upon between the said credit  
5 union and the insurance company for which it may act as  
6 agent; provided, however, that no such credit union shall  
7 in any case assume or guarantee the payment of any  
8 premium on insurance policies issued through its agency  
9 by its principal; and provided further, that the credit  
10 union shall not guarantee the truth of any statement made  
11 by an assured in filing his application for insurance.

12 (Source: P.A. 92-608, eff. 7-1-02; revised 1-20-03.)

13 (205 ILCS 305/30) (from Ch. 17, par. 4431)

14 Sec. 30. Duties of directors. It shall be the duty of  
15 the directors to:

16 (1) Review actions on applications for membership.  
17 A record of the Membership Committee's approval or denial  
18 of membership or management's approval or denial of  
19 membership if no Membership Committee has been appointed  
20 shall be available to the Board of Directors for  
21 inspection. A person denied membership by the Membership  
22 Committee or credit union management may appeal the  
23 denial to the Board;

24 (2) Provide adequate fidelity bond coverage for  
25 officers, employees, directors and committee members, and  
26 for losses caused by persons outside of the credit union,  
27 subject to rules and regulations promulgated by the  
28 Director;

29 (3) Determine from time to time the interest rates,  
30 not in excess of that allowed under this Act, which shall  
31 be charged on loans to members and to authorize interest  
32 refunds, if any, to members from income earned and  
33 received in proportion to the interest paid by them on

1 such classes of loans and under such conditions as the  
2 Board prescribes. The Directors may establish different  
3 interest rates to be charged on different classes of  
4 loans;

5 (4) Within any limitations set forth in the credit  
6 union's bylaws, fix the maximum amount which may be  
7 loaned with and without security to a member;

8 (5) Declare dividends on various classes of shares  
9 in the manner and form as provided in the bylaws;

10 (6) Limit the number of shares which may be owned  
11 by a member; such limitations to apply alike to all  
12 members;

13 (7) Have charge of the investment of funds, except  
14 that the Board of Directors may designate an Investment  
15 Committee or any qualified individual or entity to have  
16 charge of making investments under policies established  
17 by the Board of Directors;

18 (8) Authorize the employment of or contracting with  
19 such persons or organizations as may be necessary to  
20 carry on the operations of the credit union, provided  
21 that prior approval is received from the Department  
22 before delegating substantially all managerial duties and  
23 responsibilities to a credit union organization, and fix  
24 the compensation, if any, of the officers and provide for  
25 compensation for other employees within policies  
26 established by the Board of Directors;

27 (9) Authorize the conveyance of property;

28 (10) Borrow or lend money consistent with the  
29 provisions of this Act;

30 (11) Designate a depository or depositories for the  
31 funds of the credit union and supervise the investment of  
32 funds;

33 (12) Suspend or remove, or both, for cause, any or  
34 all officers or any or all members of the Membership,

1 Credit, Supervisory or other committees for failure to  
2 perform their duties;

3 (13) Appoint any special committees deemed  
4 necessary; and;

5 (14) Perform such other duties as the members may  
6 direct, and perform or authorize any action not  
7 inconsistent with this Act and not specifically reserved  
8 by the bylaws to the members.

9 (Source: P.A. 92-608, eff. 7-1-02; revised 1-20-03.)

10 Section 34. The Hospital Licensing Act is amended by  
11 changing Section 8 as follows:

12 (210 ILCS 85/8) (from Ch. 111 1/2, par. 149)

13 Sec. 8. Facility plan review; fees.

14 (a) Before commencing construction of new facilities or  
15 specified types of alteration or additions to an existing  
16 hospital involving major construction, as defined by rule by  
17 the Department, with an estimated cost greater than \$100,000,  
18 architectural plans and specifications therefor shall be  
19 submitted by the licensee to the Department for review and  
20 approval. A hospital may submit architectural drawings and  
21 specifications for other construction projects for Department  
22 review according to subsection (b) that shall not be subject  
23 to fees under subsection (d). Review of drawings and  
24 specifications shall be conducted by an employee of the  
25 Department meeting the qualifications established by the  
26 Department of Central Management Services class  
27 specifications for such an individual's position or by a  
28 person contracting with the Department who meets those class  
29 specifications. Final approval of the plans and  
30 specifications for compliance with design and construction  
31 standards shall be obtained from the Department before the  
32 alteration, addition, or new construction is begun.

1 (b) The Department shall inform an applicant in writing  
2 within 10 working days after receiving drawings and  
3 specifications and the required fee, if any, from the  
4 applicant whether the applicant's submission is complete or  
5 incomplete. Failure to provide the applicant with this  
6 notice within 10 working days shall result in the submission  
7 being deemed complete for purposes of initiating the 60-day  
8 review period under this Section. If the submission is  
9 incomplete, the Department shall inform the applicant of the  
10 deficiencies with the submission in writing. If the  
11 submission is complete and the required fee, if any, has been  
12 paid, the Department shall approve or disapprove drawings and  
13 specifications submitted to the Department no later than 60  
14 days following receipt by the Department. The drawings and  
15 specifications shall be of sufficient detail, as provided by  
16 Department rule, to enable the Department to render a  
17 determination of compliance with design and construction  
18 standards under this Act. If the Department finds that the  
19 drawings are not of sufficient detail for it to render a  
20 determination of compliance, the plans shall be determined to  
21 be incomplete and shall not be considered for purposes of  
22 initiating the 60 day review period. If a submission of  
23 drawings and specifications is incomplete, the applicant may  
24 submit additional information. The 60-day review period  
25 shall not commence until the Department determines that a  
26 submission of drawings and specifications is complete or the  
27 submission is deemed complete. If the Department has not  
28 approved or disapproved the drawings and specifications  
29 within 60 days, the construction, major alteration, or  
30 addition shall be deemed approved. If the drawings and  
31 specifications are disapproved, the Department shall state in  
32 writing, with specificity, the reasons for the disapproval.  
33 The entity submitting the drawings and specifications may  
34 submit additional information in response to the written

1 comments from the Department or request a reconsideration of  
2 the disapproval. A final decision of approval or disapproval  
3 shall be made within 45 days of the receipt of the additional  
4 information or reconsideration request. If denied, the  
5 Department shall state the specific reasons for the denial  
6 and the applicant may elect to seek dispute resolution  
7 pursuant to Section 25 of the Illinois Building Commission  
8 Act, which the Department must participate in.

9 (c) The Department shall provide written approval for  
10 occupancy pursuant to subsection (g) and shall not issue a  
11 violation to a facility as a result of a licensure or  
12 complaint survey based upon the facility's physical structure  
13 if:

14 (1) the Department reviewed and approved or deemed  
15 approved the drawing and specifications for compliance  
16 with design and construction standards;

17 (2) the construction, major alteration, or addition  
18 was built as submitted;

19 (3) the law or rules have not been amended since  
20 the original approval; and

21 (4) the conditions at the facility indicate that  
22 there is a reasonable degree of safety provided for the  
23 patients.

24 (d) The Department shall charge the following fees in  
25 connection with its reviews conducted before June 30, 2004  
26 under this Section:

27 (1) (Blank).

28 (2) (Blank).

29 (3) If the estimated dollar value of the major  
30 construction is greater than \$500,000, the fee shall be  
31 established by the Department pursuant to rules that  
32 reflect the reasonable and direct cost of the Department  
33 in conducting the architectural reviews required under  
34 this Section. The estimated dollar value of the major



1 construction subject to review under this Section shall  
2 be annually readjusted to reflect the increase in  
3 construction costs due to inflation.

4 The fees provided in this subsection (d) shall not apply  
5 to major construction projects involving facility changes  
6 that are required by Department rule amendments or to  
7 projects related to homeland security.

8 The fees provided in this subsection (d) shall also not  
9 apply to major construction projects if 51% or more of the  
10 estimated cost of the project is attributed to capital  
11 equipment. For major construction projects where 51% or more  
12 of the estimated cost of the project is attributed to capital  
13 equipment, the Department shall by rule establish a fee that  
14 is reasonably related to the cost of reviewing the project.

15 Disproportionate share hospitals and rural hospitals  
16 shall only pay one-half of the fees required in this  
17 subsection (d). For the purposes of this subsection (d), (i)  
18 "disproportionate share hospital" means a hospital described  
19 in items (1) through (5) of subsection (b) of Section 5-5.02  
20 of the Illinois Public Aid Code and (ii) "rural hospital"  
21 means a hospital that is (A) located outside a metropolitan  
22 statistical area or (B) located 15 miles or less from a  
23 county that is outside a metropolitan statistical area and is  
24 licensed to perform medical/surgical or obstetrical services  
25 and has a combined total bed capacity of 75 or fewer beds in  
26 these 2 service categories as of July 14, 1993, as determined  
27 by the Department.

28 The Department shall not commence the facility plan  
29 review process under this Section until the applicable fee  
30 has been paid.

31 (e) All fees received by the Department under this  
32 Section shall be deposited into the Health Facility Plan  
33 Review Fund, a special fund created in the State treasury.  
34 All fees paid by hospitals under subsection (d) shall be used

1 only to cover the direct and reasonable costs relating to the  
2 Department's review of hospital projects under this Section.  
3 Moneys shall be appropriated from that Fund to the Department  
4 only to pay the costs of conducting reviews under this  
5 Section. None of the moneys in the Health Facility Plan  
6 Review Fund shall be used to reduce the amount of General  
7 Revenue Fund moneys appropriated to the Department for  
8 facility plan reviews conducted pursuant to this Section.

9 (f) (Blank).

10 (g) The Department shall conduct an on-site inspection  
11 of the completed project no later than 30 days after  
12 notification from the applicant that the project has been  
13 completed and all certifications required by the Department  
14 have been received and accepted by the Department. The  
15 Department shall provide written approval for occupancy to  
16 the applicant within 5 working days of the Department's final  
17 inspection, provided the applicant has demonstrated  
18 substantial compliance as defined by Department rule.  
19 Occupancy of new major construction is prohibited until  
20 Department approval is received, unless the Department has  
21 not acted within the time frames provided in this subsection  
22 (g), in which case the construction shall be deemed approved.  
23 Occupancy shall be authorized after any required health  
24 inspection by the Department has been conducted.

25 (h) The Department shall establish, by rule, a procedure  
26 to conduct interim on-site review of large or complex  
27 construction projects.

28 (i) The Department shall establish, by rule, an  
29 expedited process for emergency repairs or replacement of  
30 like equipment.

31 (j) Nothing in this Section shall be construed to apply  
32 to maintenance, upkeep, or renovation that does not affect  
33 the structural integrity of the building, does not add beds  
34 or services over the number for which the facility is

1 licensed, and provides a reasonable degree of safety for the  
2 patients.

3 (Source: P.A. 91-712, eff. 7-1-00; 92-563, eff. 6-24-02;  
4 92-803, eff. 8-16-02; revised 9-19-02.)

5 Section 35. The Mobile Home Park Act is amended by  
6 changing Section 2.2 as follows:

7 (210 ILCS 115/2.2) (from Ch. 111 1/2, par. 712.2)

8 Sec. 2.2. Permanent habitation. "Permanent habitation"  
9 means habitation for a period of 2 or more months.

10 (Source: P.A. 77-1472; revised 1-20-03.)

11 Section 36. The Illinois Insurance Code is amended by  
12 setting forth and renumbering multiple versions of Section  
13 356z.2 as follows:

14 (215 ILCS 5/356z.2)

15 Sec. 356z.2. Coverage for adjunctive services in dental  
16 care.

17 (a) An individual or group policy of accident and health  
18 insurance amended, delivered, issued, or renewed after the  
19 effective date of this amendatory Act of the 92nd General  
20 Assembly shall cover charges incurred, and anesthetics  
21 provided, in conjunction with dental care that is provided to  
22 a covered individual in a hospital or an ambulatory surgical  
23 treatment center if any of the following applies:

24 (1) the individual is a child age 6 or under;

25 (2) the individual has a medical condition that  
26 requires hospitalization or general anesthesia for dental  
27 care; or

28 (3) the individual is disabled.

29 (b) For purposes of this Section, "ambulatory surgical

1 treatment center" has the meaning given to that term in  
2 Section 3 of the Ambulatory Surgical Treatment Center Act.

3 For purposes of this Section, "disabled" means a person,  
4 regardless of age, with a chronic disability if the chronic  
5 disability meets all of the following conditions:

6 (1) It is attributable to a mental or physical  
7 impairment or combination of mental and physical  
8 impairments.

9 (2) It is likely to continue.

10 (3) It results in substantial functional limitations  
11 in one or more of the following areas of major life  
12 activity:

13 (A) self-care;

14 (B) receptive and expressive language;

15 (C) learning;

16 (D) mobility;

17 (E) capacity for independent living; or

18 (F) economic self-sufficiency.

19 (c) The coverage required under this Section may be  
20 subject to any limitations, exclusions, or cost-sharing  
21 provisions that apply generally under the insurance policy.

22 (d) This Section does not apply to a policy that covers  
23 only dental care.

24 (e) Nothing in this Section requires that the dental  
25 services be covered.

26 (f) The provisions of this Section do not apply to  
27 short-term travel, accident-only, limited, or specified  
28 disease policies, nor to policies or contracts designed for  
29 issuance to persons eligible for coverage under Title XVIII  
30 of the Social Security Act, known as Medicare, or any other  
31 similar coverage under State or federal governmental plans.

32 (Source: P.A. 92-764 eff. 1-1-03.)

33 (215 ILCS 5/356z.3)

1           Sec. 356z.3 356z-2. Disclosure of limited benefit. An  
2 insurer that issues, delivers, amends, or renews an  
3 individual or group policy of accident and health insurance  
4 in this State after the effective date of this amendatory Act  
5 of the 92nd General Assembly and arranges, contracts with, or  
6 administers contracts with a provider whereby beneficiaries  
7 are provided an incentive to use the services of such  
8 provider must include the following disclosure on its  
9 contracts and evidences of coverage: "WARNING, LIMITED  
10 BENEFITS WILL BE PAID WHEN NON-PARTICIPATING PROVIDERS ARE  
11 USED. You should be aware that when you elect to utilize the  
12 services of a non-participating provider for a covered  
13 service in non-emergency situations, benefit payments to such  
14 non-participating provider are not based upon the amount  
15 billed. The basis of your benefit payment will be determined  
16 according to your policy's fee schedule, usual and customary  
17 charge (which is determined by comparing charges for similar  
18 services adjusted to the geographical area where the services  
19 are performed), or other method as defined by the policy. YOU  
20 CAN EXPECT TO PAY MORE THAN THE COINSURANCE AMOUNT DEFINED IN  
21 THE POLICY AFTER THE PLAN HAS PAID ITS REQUIRED PORTION.  
22 Non-participating providers may bill members for any amount  
23 up to the billed charge after the plan has paid its portion  
24 of the bill. Participating providers have agreed to accept  
25 discounted payments for services with no additional billing  
26 to the member other than co-insurance and deductible amounts.  
27 You may obtain further information about the participating  
28 status of professional providers and information on  
29 out-of-pocket expenses by calling the toll free telephone  
30 number on your identification card."

31 (Source: P.A. 92-579, eff. 1-1-03; revised 9-3-02.)

32           Section 37. The Public Utilities Act is amended by  
33 changing Section 16-111 as follows:

1 (220 ILCS 5/16-111)

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

4 (a) During the mandatory transition period,  
5 notwithstanding any provision of Article IX of this Act, and  
6 except as provided in subsections (b), (d), (e), and (f) of  
7 this Section, the Commission shall not (i) initiate,  
8 authorize or order any change by way of increase (other than  
9 in connection with a request for rate increase which was  
10 filed after September 1, 1997 but prior to October 15, 1997,  
11 by an electric utility serving less than 12,500 customers in  
12 this State), (ii) initiate or, unless requested by the  
13 electric utility, authorize or order any change by way of  
14 decrease, restructuring or unbundling (except as provided in  
15 Section 16-109A), in the rates of any electric utility that  
16 were in effect on October 1, 1996, or (iii) in any order  
17 approving any application for a merger pursuant to Section  
18 7-204 that was pending as of May 16, 1997, impose any  
19 condition requiring any filing for an increase, decrease, or  
20 change in, or other review of, an electric utility's rates or  
21 enforce any such condition of any such order; provided,  
22 however, that this subsection shall not prohibit the  
23 Commission from:

24 (1) approving the application of an electric  
25 utility to implement an alternative to rate of return  
26 regulation or a regulatory mechanism that rewards or  
27 penalizes the electric utility through adjustment of  
28 rates based on utility performance, pursuant to Section  
29 9-244;

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

1 of this Act, or to eliminate its fuel adjustment clause  
2 in accordance with subsection (e) of Section 9-220 of  
3 this Act;

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

12 (4) ordering or allowing into effect any tariff to  
13 recover charges pursuant to Sections 9-201.5, 9-220.1,  
14 9-221, 9-222 (except as provided in Section 9-222.1),  
15 16-108, and 16-114 of this Act, Section 5-5 of the  
16 Electricity Infrastructure Maintenance Fee Law, Section  
17 6-5 of the Renewable Energy, Energy Efficiency, and Coal  
18 Resources Development Law of 1997, and Section 13 of the  
19 Energy Assistance Act.

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

33 (b) Notwithstanding the provisions of subsection (a),  
34 each Illinois electric utility serving more than 12,500

1 customers in Illinois shall file tariffs (i) reducing,  
2 effective August 1, 1998, each component of its base rates to  
3 residential retail customers by 15% from the base rates in  
4 effect immediately prior to January 1, 1998 and (ii) if the  
5 public utility provides electric service to (A) more than  
6 500,000 customers but less than 1,000,000 customers in this  
7 State on January 1, 1999, reducing, effective May 1, 2002,  
8 each component of its base rates to residential retail  
9 customers by an additional 5% from the base rates in effect  
10 immediately prior to January 1, 1998, or (B) at least  
11 1,000,000 customers in this State on January 1, 1999,  
12 reducing, effective October 1, 2001, each component of its  
13 base rates to residential retail customers by an additional  
14 5% from the base rates in effect immediately prior to January  
15 1, 1998. Provided, however, that (A) if an electric utility's  
16 average residential retail rate is less than or equal to the  
17 average residential retail rate for a group of Midwest  
18 Utilities (consisting of all investor-owned electric  
19 utilities with annual system peaks in excess of 1000  
20 megawatts in the States of Illinois, Indiana, Iowa, Kentucky,  
21 Michigan, Missouri, Ohio, and Wisconsin), based on data  
22 reported on Form 1 to the Federal Energy Regulatory  
23 Commission for calendar year 1995, then it shall only be  
24 required to file tariffs (i) reducing, effective August 1,  
25 1998, each component of its base rates to residential retail  
26 customers by 5% from the base rates in effect immediately  
27 prior to January 1, 1998, (ii) reducing, effective October 1,  
28 2000, each component of its base rates to residential retail  
29 customers by the lesser of 5% of the base rates in effect  
30 immediately prior to January 1, 1998 or the percentage by  
31 which the electric utility's average residential retail rate  
32 exceeds the average residential retail rate of the Midwest  
33 Utilities, based on data reported on Form 1 to the Federal  
34 Energy Regulatory Commission for calendar year 1999, and



1 (iii) reducing, effective October 1, 2002, each component of  
2 its base rates to residential retail customers by an  
3 additional amount equal to the lesser of 5% of the base rates  
4 in effect immediately prior to January 1, 1998 or the  
5 percentage by which the electric utility's average  
6 residential retail rate exceeds the average residential  
7 retail rate of the Midwest Utilities, based on data reported  
8 on Form 1 to the Federal Energy Regulatory Commission for  
9 calendar year 2001; and (B) if the average residential retail  
10 rate of an electric utility serving between 150,000 and  
11 250,000 retail customers in this State on January 1, 1995 is  
12 less than or equal to 90% of the average residential retail  
13 rate for the Midwest Utilities, based on data reported on  
14 Form 1 to the Federal Energy Regulatory Commission for  
15 calendar year 1995, then it shall only be required to file  
16 tariffs (i) reducing, effective August 1, 1998, each  
17 component of its base rates to residential retail customers  
18 by 2% from the base rates in effect immediately prior to  
19 January 1, 1998; (ii) reducing, effective October 1, 2000,  
20 each component of its base rates to residential retail  
21 customers by 2% from the base rate in effect immediately  
22 prior to January 1, 1998; and (iii) reducing, effective  
23 October 1, 2002, each component of its base rates to  
24 residential retail customers by 1% from the base rates in  
25 effect immediately prior to January 1, 1998. Provided,  
26 further, that any electric utility for which a decrease in  
27 base rates has been or is placed into effect between October  
28 1, 1996 and the dates specified in the preceding sentences of  
29 this subsection, other than pursuant to the requirements of  
30 this subsection, shall be entitled to reduce the amount of  
31 any reduction or reductions in its base rates required by  
32 this subsection by the amount of such other decrease. The  
33 tariffs required under this subsection shall be filed 45 days  
34 in advance of the effective date. Notwithstanding anything to

1 the contrary in Section 9-220 of this Act, no restatement of  
2 base rates in conjunction with the elimination of a fuel  
3 adjustment clause under that Section shall result in a lesser  
4 decrease in base rates than customers would otherwise receive  
5 under this subsection had the electric utility's fuel  
6 adjustment clause not been eliminated.

7 (c) Any utility reducing its base rates by 15% on August  
8 1, 1998 pursuant to subsection (b) shall include the  
9 following statement on its bills for residential customers  
10 from August 1 through December 31, 1998: "Effective August 1,  
11 1998, your rates have been reduced by 15% by the Electric  
12 Service Customer Choice and Rate Relief Law of 1997 passed by  
13 the Illinois General Assembly.". Any utility reducing its  
14 base rates by 5% on August 1, 1998, pursuant to subsection  
15 (b) shall include the following statement on its bills for  
16 residential customers from August 1 through December 31,  
17 1998: "Effective August 1, 1998, your rates have been  
18 reduced by 5% by the Electric Service Customer Choice and  
19 Rate Relief Law of 1997 passed by the Illinois General  
20 Assembly.".

21 Any utility reducing its base rates by 2% on August 1,  
22 1998 pursuant to subsection (b) shall include the following  
23 statement on its bills for residential customers from August  
24 1 through December 31, 1998: "Effective August 1, 1998, your  
25 rates have been reduced by 2% by the Electric Service  
26 Customer Choice and Rate Relief Law of 1997 passed by the  
27 Illinois General Assembly.".

28 (d) During the mandatory transition period, but not  
29 before January 1, 2000, and notwithstanding the provisions of  
30 subsection (a), an electric utility may request an increase  
31 in its base rates if the electric utility demonstrates that  
32 the 2-year average of its earned rate of return on common  
33 equity, calculated as its net income applicable to common  
34 stock divided by the average of its beginning and ending

1 balances of common equity using data reported in the electric  
2 utility's Form 1 report to the Federal Energy Regulatory  
3 Commission but adjusted to remove the effects of accelerated  
4 depreciation or amortization or other transition or  
5 mitigation measures implemented by the electric utility  
6 pursuant to subsection (g) of this Section and the effect of  
7 any refund paid pursuant to subsection (e) of this Section,  
8 is below the 2-year average for the same 2 years of the  
9 monthly average yields of 30-year U.S. Treasury bonds  
10 published by the Board of Governors of the Federal Reserve  
11 System in its weekly H.15 Statistical Release or successor  
12 publication. The Commission shall review the electric  
13 utility's request, and may review the justness and  
14 reasonableness of all rates for tariffed services, in  
15 accordance with the provisions of Article IX of this Act,  
16 provided that the Commission shall consider any special or  
17 negotiated adjustments to the revenue requirement agreed to  
18 between the electric utility and the other parties to the  
19 proceeding. In setting rates under this Section, the  
20 Commission shall exclude the costs and revenues that are  
21 associated with competitive services and any billing or  
22 pricing experiments conducted under Section 16-106.

23 (e) For the purposes of this subsection (e) all  
24 calculations and comparisons shall be performed for the  
25 Illinois operations of multijurisdictional utilities. During  
26 the mandatory transition period, notwithstanding the  
27 provisions of subsection (a), if the 2-year average of an  
28 electric utility's earned rate of return on common equity,  
29 calculated as its net income applicable to common stock  
30 divided by the average of its beginning and ending balances  
31 of common equity using data reported in the electric  
32 utility's Form 1 report to the Federal Energy Regulatory  
33 Commission but adjusted to remove the effect of any refund  
34 paid under this subsection (e), and further adjusted to

1 include the annual amortization of any difference between the  
2 consideration received by an affiliated interest of the  
3 electric utility in the sale of an asset which had been sold  
4 or transferred by the electric utility to the affiliated  
5 interest subsequent to the effective date of this amendatory  
6 Act of 1997 and the consideration for which such asset had  
7 been sold or transferred to the affiliated interest, with  
8 such difference to be amortized ratably from the date of the  
9 sale by the affiliated interest to December 31, 2006, exceeds  
10 the 2-year average of the Index for the same 2 years by 1.5  
11 or more percentage points, the electric utility shall make  
12 refunds to customers beginning the first billing day of April  
13 in the following year in the manner described in paragraph  
14 (3) of this subsection. For purposes of this subsection (e),  
15 the "Index" shall be the sum of (A) the average for the 12  
16 months ended September 30 of the monthly average yields of  
17 30-year U.S. Treasury bonds published by the Board of  
18 Governors of the Federal Reserve System in its weekly H.15  
19 Statistical Release or successor publication for each year  
20 1998 through 2006, and (B) (i) 4.00 percentage points for  
21 each of the 12-month periods ending September 30, 1998  
22 through September 30, 1999 or 8.00 percentage points if the  
23 electric utility's average residential retail rate is less  
24 than or equal to 90% of the average residential retail rate  
25 for the "Midwest Utilities", as that term is defined in  
26 subsection (b) of this Section, based on data reported on  
27 Form 1 to the Federal Energy Regulatory Commission for  
28 calendar year 1995, and the electric utility served between  
29 150,000 and 250,000 retail customers on January 1, 1995, (ii)  
30 7.00 percentage points for each of the 12-month periods  
31 ending September 30, 2000 through September 30, 2006 if the  
32 electric utility was providing service to at least 1,000,000  
33 customers in this State on January 1, 1999, or 9.00  
34 percentage points if the electric utility's average

1 residential retail rate is less than or equal to 90% of the  
2 average residential retail rate for the "Midwest Utilities",  
3 as that term is defined in subsection (b) of this Section,  
4 based on data reported on Form 1 to the Federal Energy  
5 Regulatory Commission for calendar year 1995 and the electric  
6 utility served between 150,000 and 250,000 retail customers  
7 in this State on January 1, 1995, (iii) 11.00 percentage  
8 points for each of the 12-month periods ending September 30,  
9 2000 through September 30, 2006, but only if the electric  
10 utility's average residential retail rate is less than or  
11 equal to 90% of the average residential retail rate for the  
12 "Midwest Utilities", as that term is defined in subsection  
13 (b) of this Section, based on data reported on Form 1 to the  
14 Federal Energy Regulatory Commission for calendar year 1995,  
15 the electric utility served between 150,000 and 250,000  
16 retail customers in this State on January 1, 1995, and the  
17 electric utility offers delivery services on or before June  
18 1, 2000 to retail customers whose annual electric energy use  
19 comprises 33% of the kilowatt hour sales to that group of  
20 retail customers that are classified under Division D, Groups  
21 20 through 39 of the Standard Industrial Classifications set  
22 forth in the Standard Industrial Classification Manual  
23 published by the United States Office of Management and  
24 Budget, excluding the kilowatt hour sales to those customers  
25 that are eligible for delivery services pursuant to Section  
26 16-104(a)(1)(i), and offers delivery services to its  
27 remaining retail customers classified under Division D,  
28 Groups 20 through 39 on or before October 1, 2000, and,  
29 provided further, that the electric utility commits not to  
30 petition pursuant to Section 16-108(f) for entry of an order  
31 by the Commission authorizing the electric utility to  
32 implement transition charges for an additional period after  
33 December 31, 2006, or (iv) 5.00 percentage points for each of  
34 the 12-month periods ending September 30, 2000 through

1 September 30, 2006 for all other electric utilities or 7.00  
2 percentage points for such utilities for each of the 12-month  
3 periods ending September 30, 2000 through September 30, 2006  
4 for any such utility that commits not to petition pursuant to  
5 Section 16-108(f) for entry of an order by the Commission  
6 authorizing the electric utility to implement transition  
7 charges for an additional period after December 31, 2006 or  
8 11.00 percentage points for each of the 12-month periods  
9 ending September 30, 2005 and September 30, 2006 for each  
10 electric utility providing service to fewer than 6,500, or  
11 between 75,000 and 150,000, electric retail customers in this  
12 State on January 1, 1995 if such utility commits not to  
13 petition pursuant to Section 16-108(f) for entry of an order  
14 by the Commission authorizing the electric utility to  
15 implement transition charges for an additional period after  
16 December 31, 2006.

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

24 (2) On or before March 31 of each year 2000 through  
25 2007 each electric utility shall file a report with the  
26 Commission showing its earned rate of return on common  
27 equity, calculated in accordance with this subsection,  
28 for the preceding calendar year and the average for the  
29 preceding 2 calendar years.

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

1 and applied as follows:

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

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

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

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

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

31 (g) During the mandatory transition period, an electric  
32 utility may, without obtaining any approval of the Commission  
33 other than that provided for in this subsection and  
34 notwithstanding any other provision of this Act or any rule

1 or regulation of the Commission that would require such  
2 approval:

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

6 (2) retire generating plants from service;

7 (3) sell, assign, lease or otherwise transfer  
8 assets to an affiliated or unaffiliated entity and as  
9 part of such transaction enter into service agreements,  
10 power purchase agreements, or other agreements with the  
11 transferee; provided, however, that the prices, terms and  
12 conditions of any power purchase agreement must be  
13 approved or allowed into effect by the Federal Energy  
14 Regulatory Commission; or

15 (4) use any accelerated cost recovery method  
16 including accelerated depreciation, accelerated  
17 amortization or other capital recovery methods, or record  
18 reductions to the original cost of its assets.

19 In order to implement a reorganization, retire generating  
20 plants from service, or sell, assign, lease or otherwise  
21 transfer assets pursuant to this Section, the electric  
22 utility shall comply with subsections (c) and (d) of Section  
23 16-128, if applicable, and subsection (k) of this Section, if  
24 applicable, and provide the Commission with at least 30 days  
25 notice of the proposed reorganization or transaction, which  
26 notice shall include the following information:

27 (i) a complete statement of the entries that  
28 the electric utility will make on its books and  
29 records of account to implement the proposed  
30 reorganization or transaction together with a  
31 certification from an independent certified public  
32 accountant that such entries are in accord with  
33 generally accepted accounting principles and, if the  
34 Commission has previously approved guidelines for



1 cost allocations between the utility and its  
2 affiliates, a certification from the chief  
3 accounting officer of the utility that such entries  
4 are in accord with those cost allocation guidelines;

5 (ii) a description of how the electric utility  
6 will use proceeds of any sale, assignment, lease or  
7 transfer to retire debt or otherwise reduce or  
8 recover the costs of services provided by such  
9 electric utility;

10 (iii) a list of all federal approvals or  
11 approvals required from departments and agencies of  
12 this State, other than the Commission, that the  
13 electric utility has or will obtain before  
14 implementing the reorganization or transaction;

15 (iv) an irrevocable commitment by the electric  
16 utility that it will not, as a result of the  
17 transaction, impose any stranded cost charges that  
18 it might otherwise be allowed to charge retail  
19 customers under federal law or increase the  
20 transition charges that it is otherwise entitled to  
21 collect under this Article XVI; and

22 (v) if the electric utility proposes to sell,  
23 assign, lease or otherwise transfer a generating  
24 plant that brings the amount of net dependable  
25 generating capacity transferred pursuant to this  
26 subsection to an amount equal to or greater than 15%  
27 of the electric utility's net dependable capacity as  
28 of the effective date of this amendatory Act of  
29 1997, and enters into a power purchase agreement  
30 with the entity to which such generating plant is  
31 sold, assigned, leased, or otherwise transferred,  
32 the electric utility also agrees, if its fuel  
33 adjustment clause has not already been eliminated,  
34 to eliminate its fuel adjustment clause in

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

21 (vi) In addition, if the electric utility  
22 proposes to sell, assign, or lease, (A) either (1)  
23 an amount of generating plant that brings the amount  
24 of net dependable generating capacity transferred  
25 pursuant to this subsection to an amount equal to or  
26 greater than 15% of its net dependable capacity on  
27 the effective date of this amendatory Act of 1997,  
28 or (2) one or more generating plants with a total  
29 net dependable capacity of 1100 megawatts, or (B)  
30 transmission and distribution facilities that either  
31 (1) bring the amount of transmission and  
32 distribution facilities transferred pursuant to this  
33 subsection to an amount equal to or greater than 15%  
34 of the electric utility's total depreciated original

1 cost investment in such facilities, or (2) represent  
2 an investment of \$25,000,000 in terms of total  
3 depreciated original cost, the electric utility  
4 shall provide, in addition to the information listed  
5 in subparagraphs (i) through (v), the following  
6 information: (A) a description of how the electric  
7 utility will meet its service obligations under this  
8 Act in a safe and reliable manner and (B) the  
9 electric utility's projected earned rate of return  
10 on common equity, calculated in accordance with  
11 subsection (d) of this Section, for each year from  
12 the date of the notice through December 31, 2006  
13 both with and without the proposed transaction. If  
14 the Commission has not issued an order initiating a  
15 hearing on the proposed transaction within 30 days  
16 after the date the electric utility's notice is  
17 filed, the transaction shall be deemed approved.  
18 The Commission may, after notice and hearing,  
19 prohibit the proposed transaction if it makes either  
20 or both of the following findings: (1) that the  
21 proposed transaction will render the electric  
22 utility unable to provide its tariffed services in a  
23 safe and reliable manner, or (2) that there is a  
24 strong likelihood that consummation of the proposed  
25 transaction will result in the electric utility  
26 being entitled to request an increase in its base  
27 rates during the mandatory transition period  
28 pursuant to subsection (d) of this Section. Any  
29 hearing initiated by the Commission into the  
30 proposed transaction shall be completed, and the  
31 Commission's final order approving or prohibiting  
32 the proposed transaction shall be entered, within 90  
33 days after the date the electric utility's notice  
34 was filed. Provided, however, that a sale,

1 assignment, or lease of transmission facilities to  
2 an independent system operator that meets the  
3 requirements of Section 16-126 shall not be subject  
4 to Commission approval under this Section.

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

17 The Commission shall not in any subsequent proceeding or  
18 otherwise, review such a reorganization or other transaction  
19 authorized by this Section, but shall retain the authority to  
20 allocate costs as stated in Section 16-111(i). An entity to  
21 which an electric utility sells, assigns, leases or transfers  
22 assets pursuant to this subsection (g) shall not, as a result  
23 of the transactions specified in this subsection (g), be  
24 deemed a public utility as defined in Section 3-105. Nothing  
25 in this subsection (g) shall change any requirement under the  
26 jurisdiction of the Illinois Department of Nuclear Safety  
27 including, but not limited to, the payment of fees. Nothing  
28 in this subsection (g) shall exempt a utility from obtaining  
29 a certificate pursuant to Section 8-406 of this Act for the  
30 construction of a new electric generating facility. Nothing  
31 in this subsection (g) is intended to exempt the transactions  
32 hereunder from the operation of the federal or State  
33 antitrust laws. Nothing in this subsection (g) shall require  
34 an electric utility to use the procedures specified in this

1 subsection for any of the transactions specified herein. Any  
2 other procedure available under this Act may, at the electric  
3 utility's election, be used for any such transaction.

4 (h) During the mandatory transition period, the  
5 Commission shall not establish or use any rates of  
6 depreciation, which for purposes of this subsection shall  
7 include amortization, for any electric utility other than  
8 those established pursuant to subsection (c) of Section 5-104  
9 of this Act or utilized pursuant to subsection (g) of this  
10 Section. Provided, however, that in any proceeding to review  
11 an electric utility's rates for tariffed services pursuant to  
12 Section 9-201, 9-202, 9-250 or 16-111(d) of this Act, the  
13 Commission may establish new rates of depreciation for the  
14 electric utility in the same manner provided in subsection  
15 (d) of Section 5-104 of this Act. An electric utility  
16 implementing an accelerated cost recovery method including  
17 accelerated depreciation, accelerated amortization or other  
18 capital recovery methods, or recording reductions to the  
19 original cost of its assets, pursuant to subsection (g) of  
20 this Section, shall file a statement with the Commission  
21 describing the accelerated cost recovery method to be  
22 implemented or the reduction in the original cost of its  
23 assets to be recorded. Upon the filing of such statement,  
24 the accelerated cost recovery method or the reduction in the  
25 original cost of assets shall be deemed to be approved by the  
26 Commission as though an order had been entered by the  
27 Commission.

28 (i) Subsequent to the mandatory transition period, the  
29 Commission, in any proceeding to establish rates and charges  
30 for tariffed services offered by an electric utility, shall  
31 consider only (1) the then current or projected revenues,  
32 costs, investments and cost of capital directly or indirectly  
33 associated with the provision of such tariffed services; (2)  
34 collection of transition charges in accordance with Sections

1 16-102 and 16-108 of this Act; (3) recovery of any employee  
2 transition costs as described in Section 16-128 which the  
3 electric utility is continuing to incur, including recovery  
4 of any unamortized portion of such costs previously incurred  
5 or committed, with such costs to be equitably allocated among  
6 bundled services, delivery services, and contracts with  
7 alternative retail electric suppliers; and (4) recovery of  
8 the costs associated with the electric utility's compliance  
9 with decommissioning funding requirements; and shall not  
10 consider any other revenues, costs, investments or cost of  
11 capital of either the electric utility or of any affiliate of  
12 the electric utility that are not associated with the  
13 provision of tariffed services. In setting rates for  
14 tariffed services, the Commission shall equitably allocate  
15 joint and common costs and investments between the electric  
16 utility's competitive and tariffed services. In determining  
17 the justness and reasonableness of the electric power and  
18 energy component of an electric utility's rates for tariffed  
19 services subsequent to the mandatory transition period and  
20 prior to the time that the provision of such electric power  
21 and energy is declared competitive, the Commission shall  
22 consider the extent to which the electric utility's tariffed  
23 rates for such component for each customer class exceed the  
24 market value determined pursuant to Section 16-112, and, if  
25 the electric power and energy component of such tariffed rate  
26 exceeds the market value by more than 10% for any customer  
27 class, may establish such electric power and energy component  
28 at a rate equal to the market value plus 10%. In any such  
29 case, the Commission may also elect to extend the provisions  
30 of Section 16-111(e) for any period in which the electric  
31 utility is collecting transition charges, using information  
32 applicable to such period.

33 (j) During the mandatory transition period, an electric  
34 utility may elect to transfer to a non-operating income

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

24 (k) If an electric utility is selling or transferring to  
25 a single buyer 5 or more generating plants located in this  
26 State with a total net dependable capacity of 5000 megawatts  
27 or more pursuant to subsection (g) of this Section and has  
28 obtained a sale price or consideration that exceeds 200% of  
29 the book value of such plants, the electric utility must  
30 provide to the Governor, the President of the Illinois  
31 Senate, the Minority Leader of the Illinois Senate, the  
32 Speaker of the Illinois House of Representatives, and the  
33 Minority Leader of the Illinois House of Representatives no  
34 later than 15 days after filing its notice under subsection

1 (g) of this Section or 5 days after the date on which this  
2 subsection (k) becomes law, whichever is later, a written  
3 commitment in which such electric utility agrees to expend \$2  
4 billion outside the corporate limits of any municipality with  
5 1,000,000 or more inhabitants within such electric utility's  
6 service area, over a 6-year period beginning with the  
7 calendar year in which the notice is filed, on projects,  
8 programs, and improvements within its service area relating  
9 to transmission and distribution including, without  
10 limitation, infrastructure expansion, repair and replacement,  
11 capital investments, operations and maintenance, and  
12 vegetation management.

13 (Source: P.A. 91-50, eff. 6-30-99; 92-537, eff. 6-6-02;  
14 92-690, eff. 7-18-02; revised 9-10-02)

15 Section 37.5. The Nursing and Advanced Practice Nursing  
16 Act is amended by changing Section 10-30 as follows:

17 (225 ILCS 65/10-30)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 10-30. Qualifications for licensure.

20 (a) Each applicant who successfully meets the  
21 requirements of this Section shall be entitled to licensure  
22 as a Registered Nurse or Licensed Practical Nurse, whichever  
23 is applicable.

24 (b) An applicant for licensure by examination to  
25 practice as a registered nurse or licensed practical nurse  
26 shall:

27 (1) submit a completed written application, on  
28 forms provided by the Department and fees as established  
29 by the Department;

30 (2) for registered nurse licensure, have graduated  
31 from a professional nursing education program approved by  
32 the Department;



1 (2.5) for licensed practical nurse licensure, have  
2 graduated graduate from a practical nursing education  
3 program approved by the Department;

4 (3) have not violated the provisions of Section  
5 10-45 of this Act. The Department may take into  
6 consideration any felony conviction of the applicant, but  
7 such a conviction shall not operate as an absolute bar to  
8 licensure;

9 (4) meet all other requirements as established by  
10 rule;

11 (5) pay, either to the Department or its designated  
12 testing service, a fee covering the cost of providing the  
13 examination. Failure to appear for the examination on  
14 the scheduled date at the time and place specified after  
15 the applicant's application for examination has been  
16 received and acknowledged by the Department or the  
17 designated testing service shall result in the forfeiture  
18 of the examination fee.

19 If an applicant neglects, fails, or refuses to take an  
20 examination or fails to pass an examination for a license  
21 under this Act within 3 years after filing the application,  
22 the application shall be denied. However, the applicant may  
23 make a new application accompanied by the required fee and  
24 provide evidence of meeting the requirements in force at the  
25 time of the new application.

26 An applicant may take and successfully complete a  
27 Department-approved examination in another jurisdiction.  
28 However, an applicant who has never been licensed previously  
29 in any jurisdiction that utilizes a Department-approved  
30 examination and who has taken and failed to pass the  
31 examination within 3 years after filing the application must  
32 submit proof of successful completion of a  
33 Department-authorized nursing education program or  
34 recompletion of an approved registered nursing program or

1 licensed practical nursing program, as appropriate, prior to  
2 re-application.

3 An applicant shall have one year from the date of  
4 notification of successful completion of the examination to  
5 apply to the Department for a license. If an applicant fails  
6 to apply within one year, the applicant shall be required to  
7 again take and pass the examination unless licensed in  
8 another jurisdiction of the United States within one year of  
9 passing the examination.

10 (c) An applicant for licensure by endorsement who is a  
11 registered professional nurse or a licensed practical nurse  
12 licensed by examination under the laws of another state or  
13 territory of the United States or a foreign country,  
14 jurisdiction, territory, or province shall:

15 (1) submit a completed written application, on  
16 forms supplied by the Department, and fees as established  
17 by the Department;

18 (2) for registered nurse licensure, have graduated  
19 from a professional nursing education program approved by  
20 the Department;

21 (2.5) for licensed practical nurse licensure, have  
22 graduated from a practical nursing education program  
23 approved by the Department;

24 (3) submit verification of licensure status  
25 directly from the United States jurisdiction of  
26 licensure, if applicable, as defined by rule;

27 (4) have passed the examination authorized by the  
28 Department;

29 (5) meet all other requirements as established by  
30 rule.

31 (d) All applicants for registered nurse licensure  
32 pursuant to item (2) of subsection (b) and item (2) of  
33 subsection (c) of this Section who are graduates of nursing  
34 educational programs in a country other than the United

1 States or its territories must submit to the Department  
2 certification of successful completion of the Commission of  
3 Graduates of Foreign Nursing Schools (CGFNS) examination. An  
4 applicant who is unable to provide appropriate documentation  
5 to satisfy CGFNS of her or his educational qualifications for  
6 the CGFNS examination shall be required to pass an  
7 examination to test competency in the English language, which  
8 shall be prescribed by the Department, if the applicant is  
9 determined by the Board to be educationally prepared in  
10 nursing. The Board shall make appropriate inquiry into the  
11 reasons for any adverse determination by CGFNS before making  
12 its own decision.

13 An applicant licensed in another state or territory who  
14 is applying for licensure and has received her or his  
15 education in a country other than the United States or its  
16 territories shall be exempt from the completion of the  
17 Commission of Graduates of Foreign Nursing Schools (CGFNS)  
18 examination if the applicant meets all of the following  
19 requirements:

20 (1) successful passage of the licensure examination  
21 authorized by the Department;

22 (2) holds an active, unencumbered license in  
23 another state; and

24 (3) has been actively practicing for a minimum of 2  
25 years in another state.

26 (e) (Blank).

27 (f) Pending the issuance of a license under subsection  
28 (c) of this Section, the Department may grant an applicant a  
29 temporary license to practice nursing as a registered nurse  
30 or as a licensed practical nurse if the Department is  
31 satisfied that the applicant holds an active, unencumbered  
32 license in good standing in another jurisdiction. If the  
33 applicant holds more than one current active license, or one  
34 or more active temporary licenses from other jurisdictions,

1 the Department shall not issue a temporary license until it  
2 is satisfied that each current active license held by the  
3 applicant is unencumbered. The temporary license, which  
4 shall be issued no later than 14 working days following  
5 receipt by the Department of an application for the temporary  
6 license, shall be granted upon the submission of the  
7 following to the Department:

8 (1) a signed and completed application for  
9 licensure under subsection (a) of this Section as a  
10 registered nurse or a licensed practical nurse;

11 (2) proof of a current, active license in at least  
12 one other jurisdiction and proof that each current active  
13 license or temporary license held by the applicant within  
14 the last 5 years is unencumbered;

15 (3) a signed and completed application for a  
16 temporary license; and

17 (4) the required temporary license fee.

18 (g) The Department may refuse to issue an applicant a  
19 temporary license authorized pursuant to this Section if,  
20 within 14 working days following its receipt of an  
21 application for a temporary license, the Department  
22 determines that:

23 (1) the applicant has been convicted of a crime  
24 under the laws of a jurisdiction of the United States:  
25 (i) which is a felony; or (ii) which is a misdemeanor  
26 directly related to the practice of the profession,  
27 within the last 5 years;

28 (2) within the last 5 years the applicant has had a  
29 license or permit related to the practice of nursing  
30 revoked, suspended, or placed on probation by another  
31 jurisdiction, if at least one of the grounds for  
32 revoking, suspending, or placing on probation is the same  
33 or substantially equivalent to grounds in Illinois; or

34 (3) it intends to deny licensure by endorsement.

1 For purposes of this Section, an "unencumbered license"  
2 means a license against which no disciplinary action has been  
3 taken or is pending and for which all fees and charges are  
4 paid and current.

5 (h) The Department may revoke a temporary license issued  
6 pursuant to this Section if:

7 (1) it determines that the applicant has been  
8 convicted of a crime under the law of any jurisdiction of  
9 the United States that is (i) a felony or (ii) a  
10 misdemeanor directly related to the practice of the  
11 profession, within the last 5 years;

12 (2) it determines that within the last 5 years the  
13 applicant has had a license or permit related to the  
14 practice of nursing revoked, suspended, or placed on  
15 probation by another jurisdiction, if at least one of the  
16 grounds for revoking, suspending, or placing on probation  
17 is the same or substantially equivalent to grounds in  
18 Illinois; or

19 (3) it determines that it intends to deny licensure  
20 by endorsement.

21 A temporary license shall expire 6 months from the date  
22 of issuance. Further renewal may be granted by the  
23 Department in hardship cases, as defined by rule and upon  
24 approval of the Director. However, a temporary license shall  
25 automatically expire upon issuance of the Illinois license or  
26 upon notification that the Department intends to deny  
27 licensure, whichever occurs first.

28 (i) Applicants have 3 years from the date of application  
29 to complete the application process. If the process has not  
30 been completed within 3 years from the date of application,  
31 the application shall be denied, the fee forfeited, and the  
32 applicant must reapply and meet the requirements in effect at  
33 the time of reapplication.

34 (Source: P.A. 92-39, eff. 6-29-01; 92-744, eff. 7-25-02;

1 revised 2-17-03.)

2 Section 38. The Elevator Safety and Regulation Act is  
3 amended by changing Sections 15 and 25 as follows:

4 (225 ILCS 312/15)

5 (Section scheduled to be repealed on January 1, 2013)

6 Sec. 15. Definitions. For the purpose of this Act:

7 "Administrator" means the Office of the State Fire  
8 Marshal.

9 "ANSI A10.4" means the safety requirements for personnel  
10 hoists, an American National Standard.

11 "ASCE 21" means the American Society of Civil Engineers  
12 Automated People Mover Standards.

13 "ASME A17.1" means the Safety Code for Elevators and  
14 Escalators, an American National Standard.

15 "ASME A17.3" means the Safety Code for Existing Elevators  
16 and Escalators, an American National Standard.

17 "ASME A18.1" means the Safety Standard for Platform Lifts  
18 and Stairway Chairlifts, an American National Standard.

19 "Automated people mover" means an installation as defined  
20 as an "automated people mover" in ASCE 21.

21 "Board" means the Elevator Safety Review Board.

22 "Certificate of operation" means a certificate issued by  
23 the Administrator that indicates that the conveyance has  
24 passed the required safety inspection and tests and fees have  
25 been paid as set forth in this Act. The Administrator may  
26 issue a temporary certificate of operation that permits the  
27 temporary use of a non-compliant conveyance by the general  
28 public for a limited time of 30 days while minor repairs are  
29 being completed.

30 "Conveyance" means any elevator, dumbwaiter, escalator,  
31 moving sidewalk, platform lifts, stairway chairlifts and  
32 automated people movers.

1 "Elevator" means an installation defined as an "elevator"  
2 in ASME A17.1.

3 "Elevator contractor" means any person, firm, or  
4 corporation who possesses an elevator contractor's license in  
5 accordance with the provisions of Sections 40 and 55 of this  
6 Act and who is engaged in the business of erecting,  
7 constructing, installing, altering, servicing, repairing, or  
8 maintaining elevators or related conveyance covered by this  
9 Act.

10 "Elevator contractor's license" means a license issued  
11 to an elevator contractor who has proven his or her  
12 qualifications and ability and has been authorized by the  
13 Elevator Safety Review Board to possess this type of license.  
14 It shall entitle the holder thereof to engage in the business  
15 of erecting, constructing, installing, altering, servicing,  
16 testing, repairing, or maintaining elevators or related  
17 conveyance covered by this Act. The Administrator may issue  
18 a limited elevator contractor's license authorizing a firm or  
19 company that employs individuals to carry on a business of  
20 erecting, constructing, installing, altering, servicing,  
21 repairing, or maintaining platform lifts and stairway  
22 chairlifts within any building or structure, including but  
23 not limited to private residences.

24 "Elevator inspector" means any person who possesses an  
25 elevator inspector's license in accordance with the  
26 provisions of this Act or any person who performs the duties  
27 and functions of an elevator inspector for any unit of local  
28 government with a population greater than 500,000 prior to or  
29 on the effective date of this Act.

30 "Elevator mechanic" means any person who possesses an  
31 elevator mechanic's license in accordance with the provisions  
32 of Sections 40 and 45 of this Act and who is engaged in  
33 erecting, constructing, installing, altering, servicing,  
34 repairing, or maintaining elevators or related conveyance

1 covered by this Act.

2 "Elevator mechanic's license" means a license issued to a  
3 person who has proven his or her qualifications and ability  
4 and has been authorized by the Elevator Safety Review Board  
5 to work on conveyance equipment. It shall entitle the holder  
6 thereof to install, construct, alter, service, repair, test,  
7 maintain, and perform electrical work on elevators or related  
8 conveyance covered by this Act.

9 "Escalator" means an installation defined as an  
10 "escalator" in ASME A17.1.

11 "Existing installation" means an installation defined as  
12 an "installation, existing" in ASME A17.1.

13 "Inspector's license" means a license issued to a person  
14 who has proven his or her qualifications and ability and has  
15 been authorized by the Elevator Safety Review Board to  
16 possess this type of license. It shall entitle the holder  
17 thereof to engage in the business of inspecting elevators or  
18 related conveyance covered by this Act.

19 "License" means a written license, duly issued by the  
20 Administrator, authorizing a person, firm, or company to  
21 carry on the business of erecting, constructing, installing,  
22 altering, servicing, repairing, maintaining, or performing  
23 inspections of elevators or related conveyance covered by  
24 this Act.

25 "Material alteration" means an "alteration" as defined by  
26 the Board.

27 "Moving walk" means an installation as defined as a  
28 "moving walk" in ASME A17.1.

29 "Private residence" means a separate dwelling or a  
30 separate apartment in a multiple dwelling that is occupied by  
31 members of a single-family unit.

32 "Repair" has the meaning defined by the Board, which does  
33 not require a permit.

34 "Temporarily dormant" means an elevator, dumbwaiter, or



1 escalator:

2 (1) with a power supply that has been disconnected  
3 by removing fuses and placing a padlock on the mainline  
4 disconnect switch in the "off" position;

5 (2) with a car that is parked and hoistway doors  
6 that are in the closed and latched position;

7 (3) with a wire seal on the mainline disconnect  
8 switch installed by a licensed elevator inspector;

9 (4) that shall not be used again until it has been  
10 put in safe running order and is in condition for use;

11 (5) requiring annual inspections for the duration  
12 of the temporarily dormant status by a licensed elevator  
13 inspector;

14 (6) that has a "temporarily dormant" status that is  
15 renewable on an annual basis, not to exceed a one-year  
16 period;

17 (7) requiring the inspector to file a report with  
18 the chief elevator inspector describing the current  
19 conditions; and

20 (8) with a wire seal and padlock that shall not be  
21 removed for any purpose without permission from the  
22 elevator inspector.

23 (Source: P.A. 92-873, eff. 6-1-03; revised 1-20-03.)

24 (225 ILCS 312/25)

25 (Section scheduled to be repealed on January 1, 2013)

26 Sec. 25. Elevator Safety Review Board.

27 (a) There is hereby created within the Office of the  
28 State Fire Marshal the Elevator Safety Review Board,  
29 consisting of 13 members. The Administrator shall appoint 3  
30 members who shall be representatives of ef--a fire service  
31 communities. The Governor shall appoint the remaining 10  
32 members of the Board as follows: one representative from a  
33 major elevator manufacturing company or its authorized

1 representative; one representative from an elevator servicing  
2 company; one representative of the architectural design  
3 profession; one representative of the general public; one  
4 representative of a municipality in this State with a  
5 population over 500,000; one representative of a municipality  
6 in this State with a population under 25,000; one  
7 representative of a municipality in this State with a  
8 population of 25,000 or over but under 50,000; one  
9 representative of a municipality in this State with a  
10 population of 50,000 or over but under 500,000; one  
11 representative of a building owner or manager; and one  
12 representative of labor involved in the installation,  
13 maintenance, and repair of elevators.

14 (b) The members constituting the Board shall be  
15 appointed for initial terms as follows:

16 (1) Of the members appointed by the Administrator,  
17 2 shall serve for a term of 2 years, and one for a term  
18 of 4 years.

19 (2) Of the members appointed by the Governor, 2  
20 shall serve for a term of one year, 2 for terms of 2  
21 years, 2 for terms of 3 years, and 4 for terms of 4  
22 years.

23 At the expiration of their initial terms of office, the  
24 members or their successors shall be appointed for terms of 4  
25 years each. Upon the expiration of a member's term of  
26 office, the officer who appointed that member shall reappoint  
27 that member or appoint a successor who is a representative of  
28 the same interests with which his or her predecessor was  
29 identified. The Administrator and the Governor may at any  
30 time remove any of their respective appointees for  
31 inefficiency or neglect of duty in office. Upon the death or  
32 incapacity of a member, the officer who appointed that member  
33 shall fill the vacancy for the remainder of the vacated term  
34 by appointing a member who is a representative of the same

1 interests with which his or her predecessor was identified.  
2 The members shall serve without salary, but shall receive  
3 from the State expenses necessarily incurred by them in  
4 performance of their duties. The Governor shall appoint one  
5 of the members to serve as chairperson. The chairperson  
6 shall be the deciding vote in the event of a tie vote.

7 (Source: P.A. 92-873, eff. 6-1-03; revised 1-20-03.)

8 Section 39. The Illinois Public Accounting Act is  
9 amended by changing Section 20.01 as follows:

10 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

11 (Section scheduled to be repealed on January 1, 2014)

12 (Text of Section before amendment by P.A. 92-457)

13 Sec. 20.01. Grounds for discipline.

14 (a) The Department may refuse to issue or renew, or may  
15 revoke, suspend, or reprimand any license or licensee, place  
16 a licensee on probation for a period of time subject to any  
17 conditions the Committee may specify including requiring the  
18 licensee to attend continuing education courses or to work  
19 under the supervision of another licensee, impose a fine not  
20 to exceed \$5,000 for each violation, restrict the authorized  
21 scope of practice, or require a licensee to undergo a peer  
22 review program, for any one or more of the following:

23 (1) Violation of any provision of this Act.

24 (2) Attempting to procure a license to practice  
25 public accounting by bribery or fraudulent  
26 misrepresentations.

27 (3) Having a license to practice public accounting  
28 revoked, suspended, or otherwise acted against, including  
29 the denial of licensure, by the licensing authority of  
30 another state, territory, or country. No disciplinary  
31 action shall be taken in Illinois if the action taken in  
32 another jurisdiction was based upon failure to meet the

1 continuing professional education requirements of that  
2 jurisdiction and the applicable Illinois continuing  
3 professional education requirements are met.

4 (4) Being convicted or found guilty, regardless of  
5 adjudication, of a crime in any jurisdiction which  
6 directly relates to the practice of public accounting or  
7 the ability to practice public accounting.

8 (5) Making or filing a report or record which the  
9 registrant knows to be false, willfully failing to file a  
10 report or record required by state or federal law,  
11 willfully impeding or obstructing the filing, or inducing  
12 another person to impede or obstruct the filing. The  
13 reports or records shall include only those that are  
14 signed in the capacity of a public accountant.

15 (6) Conviction in this or another State or the  
16 District of Columbia, or any United States Territory, of  
17 any crime that is punishable by one year or more in  
18 prison or conviction of a crime in a federal court that  
19 is punishable by one year or more in prison.

20 (7) Proof that the licensee is guilty of fraud or  
21 deceit, or of gross negligence, incompetency, or  
22 misconduct, in the practice of public accounting.

23 (8) Violation of any rule adopted under this Act.

24 (9) Practicing on a revoked, suspended, or inactive  
25 license.

26 (10) Suspension or revocation of the right to  
27 practice before any state or federal agency.

28 (11) Conviction of any crime under the laws of the  
29 United States or any state or territory of the United  
30 States that is a felony or misdemeanor and has dishonesty  
31 as essential element, or of any crime that is directly  
32 related to the practice of the profession.

33 (12) Making any misrepresentation for the purpose  
34 of obtaining a license, or material misstatement in

1 furnishing information to the Department.

2 (13) Aiding or assisting another person in  
3 violating any provision of this Act or rules promulgated  
4 hereunder.

5 (14) Engaging in dishonorable, unethical, or  
6 unprofessional conduct of a character likely to deceive,  
7 defraud, or harm the public and violating the rules of  
8 professional conduct adopted by the Department.

9 (15) Habitual or excessive use or addiction to  
10 alcohol, narcotics, stimulants, or any other chemical  
11 agent or drug that results in the inability to practice  
12 with reasonable skill, judgment, or safety.

13 (16) Directly or indirectly giving to or receiving  
14 from any person, firm, corporation, partnership, or  
15 association any fee, commission, rebate, or other form of  
16 compensation for any professional service not actually  
17 rendered.

18 (17) Physical or mental disability, including  
19 deterioration through the aging process or loss of  
20 abilities and skills that results in the inability to  
21 practice the profession with reasonable judgment, skill  
22 or safety.

23 (18) Solicitation of professional services by using  
24 false or misleading advertising.

25 (19) Failure to file a return, or pay the tax,  
26 penalty or interest shown in a filed return, or to pay  
27 any final assessment of tax, penalty or interest, as  
28 required by any tax Act administered by the Illinois  
29 Department of Revenue or any successor agency or the  
30 Internal Revenue Service or any successor agency.

31 (20) Practicing or attempting to practice under a  
32 name other than the full name as shown on the license or  
33 any other legally authorized name.

34 (21) A finding by the Department that a licensee

1 has not complied with a provision of any lawful order  
2 issued by the Department.

3 (22) Making a false statement to the Department  
4 regarding compliance with continuing professional  
5 education requirements.

6 (23) Failing to make a substantive response to a  
7 request for information by the Department within 30 days  
8 of the request.

9 (b) (Blank).

10 (c) In rendering an order, the Director shall take into  
11 consideration the facts and circumstances involving the type  
12 of acts or omissions in subsection (a) including, but not  
13 limited to:

14 (1) the extent to which public confidence in the  
15 public accounting profession was, might have been, or may  
16 be injured;

17 (2) the degree of trust and dependence among the  
18 involved parties;

19 (3) the character and degree of financial or  
20 economic harm which did or might have resulted; and

21 (4) the intent or mental state of the person  
22 charged at the time of the acts or omissions.

23 (d) The Department shall reissue the license upon  
24 certification by the Committee that the disciplined licensee  
25 has complied with all of the terms and conditions set forth  
26 in the final order.

27 (e) The Department shall deny any application for a  
28 license or renewal, without hearing, to any person who has  
29 defaulted on an educational loan guaranteed by the Illinois  
30 Student Assistance Commission; however, the Department may  
31 issue a license or renewal if the person in default has  
32 established a satisfactory repayment record as determined by  
33 the Illinois Student Assistance Commission.

34 (f) The determination by a court that a licensee is

1 subject to involuntary admission or judicial admission as  
2 provided in the Mental Health and Developmental Disabilities  
3 Code will result in the automatic suspension of his or her  
4 license. The suspension will end upon a finding by a court  
5 that the licensee is no longer subject to involuntary  
6 admission or judicial admission, the issuance of an order so  
7 finding and discharging the patient, and the recommendation  
8 of the Committee to the Director that the licensee be allowed  
9 to resume professional practice.

10 (Source: P.A. 90-655, eff. 7-30-98; revised 3-7-02.)

11 (Text of Section after amendment by P.A. 92-457)

12 Sec. 20.01. Grounds for discipline; license.

13 (a) The Board may refuse to issue or renew, or may  
14 revoke, suspend, or reprimand any license or licensee, place  
15 a licensee on probation for a period of time subject to any  
16 conditions the Board may specify including requiring the  
17 licensee to attend continuing education courses or to work  
18 under the supervision of another licensee, impose a fine not  
19 to exceed \$5,000 for each violation, restrict the authorized  
20 scope of practice, or require a licensee to undergo a peer  
21 review program, for any one or more of the following:

22 (1) Violation of any provision of this Act.

23 (2) Attempting to procure a license to practice  
24 public accounting by bribery or fraudulent  
25 misrepresentations.

26 (3) Having a license to practice public accounting  
27 revoked, suspended, or otherwise acted against, including  
28 the denial of licensure, by the licensing authority of  
29 another state, the District of Columbia, or any United  
30 States territory. No disciplinary action shall be taken  
31 in Illinois if the action taken in another jurisdiction  
32 was based upon failure to meet the continuing  
33 professional education requirements of that jurisdiction  
34 and the applicable Illinois continuing professional

1 education requirements are met.

2 (4) Being convicted or found guilty, regardless of  
3 adjudication, of a crime in any jurisdiction which  
4 directly relates to the practice of public accounting or  
5 the ability to practice public accounting.

6 (5) Making or filing a report or record which the  
7 registrant knows to be false, willfully failing to file a  
8 report or record required by state or federal law,  
9 willfully impeding or obstructing the filing, or inducing  
10 another person to impede or obstruct the filing. The  
11 reports or records shall include only those that are  
12 signed in the capacity of a licensed certified public  
13 accountant.

14 (6) Conviction in this or another State or the  
15 District of Columbia, or any United States Territory, of  
16 any crime that is punishable by one year or more in  
17 prison or conviction of a crime in a federal court that  
18 is punishable by one year or more in prison.

19 (7) Proof that the licensee is guilty of fraud or  
20 deceit, or of gross negligence, incompetency, or  
21 misconduct, in the practice of public accounting.

22 (8) Violation of any rule adopted under this Act.

23 (9) Practicing on a revoked, suspended, or inactive  
24 license.

25 (10) Suspension or revocation of the right to  
26 practice before any state or federal agency.

27 (11) Conviction of any crime under the laws of the  
28 United States or any state or territory of the United  
29 States that is a felony or misdemeanor and has dishonesty  
30 as an essential element, or of any crime that is directly  
31 related to the practice of the profession.

32 (12) Making any misrepresentation for the purpose  
33 of obtaining a license, or material misstatement in  
34 furnishing information to the Board.



1 (13) Aiding or assisting another person in  
2 violating any provision of this Act or rules promulgated  
3 hereunder.

4 (14) Engaging in dishonorable, unethical, or  
5 unprofessional conduct of a character likely to deceive,  
6 defraud, or harm the public and violating the rules of  
7 professional conduct adopted by the Board.

8 (15) Habitual or excessive use or addiction to  
9 alcohol, narcotics, stimulants, or any other chemical  
10 agent or drug that results in the inability to practice  
11 with reasonable skill, judgment, or safety.

12 (16) Directly or indirectly giving to or receiving  
13 from any person, firm, corporation, partnership, or  
14 association any fee, commission, rebate, or other form of  
15 compensation for any professional service not actually  
16 rendered.

17 (17) Physical or mental disability, including  
18 deterioration through the aging process or loss of  
19 abilities and skills that results in the inability to  
20 practice the profession with reasonable judgment, skill  
21 or safety.

22 (18) Solicitation of professional services by using  
23 false or misleading advertising.

24 (19) Failure to file a return, or pay the tax,  
25 penalty or interest shown in a filed return, or to pay  
26 any final assessment of tax, penalty or interest, as  
27 required by any tax Act administered by the Illinois  
28 Department of Revenue or any successor agency or the  
29 Internal Revenue Service or any successor agency.

30 (20) Practicing or attempting to practice under a  
31 name other than the full name as shown on the license or  
32 any other legally authorized name.

33 (21) A finding by the Board that a licensee has not  
34 complied with a provision of any lawful order issued by

1 the Board.

2 (22) Making a false statement to the Board  
3 regarding compliance with continuing professional  
4 education requirements.

5 (23) Failing to make a substantive response to a  
6 request for information by the Board within 30 days of  
7 the request.

8 (b) (Blank).

9 (c) In rendering an order, the Board shall take into  
10 consideration the facts and circumstances involving the type  
11 of acts or omissions in subsection (a) including, but not  
12 limited to:

13 (1) the extent to which public confidence in the  
14 public accounting profession was, might have been, or may  
15 be injured;

16 (2) the degree of trust and dependence among the  
17 involved parties;

18 (3) the character and degree of financial or  
19 economic harm which did or might have resulted; and

20 (4) the intent or mental state of the person  
21 charged at the time of the acts or omissions.

22 (d) The Board shall reissue the license upon a showing  
23 that the disciplined licensee has complied with all of the  
24 terms and conditions set forth in the final order.

25 (e) The Board shall deny any application for a license  
26 or renewal, without hearing, to any person who has defaulted  
27 on an educational loan guaranteed by the Illinois Student  
28 Assistance Commission; however, the Board may issue a license  
29 or renewal if the person in default has established a  
30 satisfactory repayment record as determined by the Illinois  
31 Student Assistance Commission.

32 (f) The determination by a court that a licensee is  
33 subject to involuntary admission or judicial admission as  
34 provided in the Mental Health and Developmental Disabilities

1 Code will result in the automatic suspension of his or her  
2 license. The suspension will end upon a finding by a court  
3 that the licensee is no longer subject to involuntary  
4 admission or judicial admission and the issuance of an order  
5 so finding and discharging the patient.

6 (Source: P.A. 92-457, eff. 7-1-04; revised 3-7-02.)

7 Section 40. The Illinois Petroleum Education and  
8 Marketing Act is amended by changing Section 10 as follows:

9 (225 ILCS 728/10)

10 (Section scheduled to be repealed on January 1, 2008)

11 Sec. 10. Illinois Petroleum Resources Board.

12 (a) There is hereby created until January 1, 2008, the  
13 Illinois Petroleum Resources Board which shall be subject to  
14 the provisions of the Regulatory Sunset Act. The purpose of  
15 the Board is to coordinate a program designed to demonstrate  
16 to the general public the importance of the Illinois oil  
17 exploration and production industry, to encourage the wise  
18 and efficient use of energy, to promote environmentally sound  
19 production methods and technologies, to develop existing  
20 supplies of State oil resources, and to support research and  
21 educational activities concerning the oil exploration and  
22 production industry.

23 (b) The Board shall be composed of 12 members to be  
24 appointed by the Governor. The Governor shall make  
25 appointments from a list of names submitted by qualified  
26 producer associations, of which 10 shall be oil and gas  
27 producers.

28 (c) A member of the Board shall:

29 (1) be at least 25 years of age;

30 (2) be a resident of the State of Illinois; and

31 (3) have at least 5 years of active experience in  
32 the oil industry.

1 (d) Members shall serve for a term of 3 years, except  
2 that of the initial appointments, 4 members shall serve for  
3 one year, 4 members for 2 years, and 4 members for 3 years.

4 (e) Vacancies shall be filled for the unexpired term of  
5 office in the same manner as the original appointment.

6 (f) The Board shall, at its first meeting, elect one of  
7 its members as chairperson, who shall preside over meetings  
8 of the Board and perform other duties that may be required by  
9 the Board. The first meeting of the Board shall be called by  
10 the Governor.

11 (g) No member of the Board shall receive a salary or  
12 reimbursement for duties performed as a member of the Board,  
13 except that members are eligible to receive reimbursement for  
14 travel expenses incurred in the performance of Board duties.

15 (Source: P.A. 92-610, eff. 7-1-02; 92-651, eff. 7-11-02;  
16 revised 8-12-02.)

17 Section 41. The Liquor Control Act of 1934 is amended by  
18 changing Sections 6-11 and 6-15 as follows:

19 (235 ILCS 5/6-11) (from Ch. 43, par. 127)

20 Sec. 6-11. Sale near churches, schools, and hospitals.

21 (a) No license shall be issued for the sale at retail of  
22 any alcoholic liquor within 100 feet of any church, school  
23 other than an institution of higher learning, hospital, home  
24 for aged or indigent persons or for veterans, their spouses  
25 or children or any military or naval station, provided, that  
26 this prohibition shall not apply to hotels offering  
27 restaurant service, regularly organized clubs, or to  
28 restaurants, food shops or other places where sale of  
29 alcoholic liquors is not the principal business carried on if  
30 the place of business so exempted is not located in a  
31 municipality of more than 500,000 persons, unless required by  
32 local ordinance; nor to the renewal of a license for the sale

1 at retail of alcoholic liquor on premises within 100 feet of  
2 any church or school where the church or school has been  
3 established within such 100 feet since the issuance of the  
4 original license. In the case of a church, the distance of  
5 100 feet shall be measured to the nearest part of any  
6 building used for worship services or educational programs  
7 and not to property boundaries.

8 (b) Nothing in this Section shall prohibit the issuance  
9 of a retail license authorizing the sale of alcoholic liquor  
10 to a restaurant, the primary business of which is the sale of  
11 goods baked on the premises if (i) the restaurant is newly  
12 constructed and located on a lot of not less than 10,000  
13 square feet, (ii) the restaurant costs at least \$1,000,000 to  
14 construct, (iii) the licensee is the titleholder to the  
15 premises and resides on the premises, and (iv) the  
16 construction of the restaurant is completed within 18 months  
17 of the effective date of this amendatory Act of 1998.

18 (c) Nothing in this Section shall prohibit the issuance  
19 of a retail license authorizing the sale of alcoholic liquor  
20 incidental to a restaurant if (1) the primary business of the  
21 restaurant consists of the sale of food where the sale of  
22 liquor is incidental to the sale of food and the applicant is  
23 a completely new owner of the restaurant, (2) the immediately  
24 prior owner or operator of the premises where the restaurant  
25 is located operated the premises as a restaurant and held a  
26 valid retail license authorizing the sale of alcoholic liquor  
27 at the restaurant for at least part of the 24 months before  
28 the change of ownership, and (3) the restaurant is located 75  
29 or more feet from a school.

30 (d) In the interest of further developing Illinois'  
31 economy in the area of commerce, tourism, convention, and  
32 banquet business, nothing in this Section shall prohibit  
33 issuance of a retail license authorizing the sale of  
34 alcoholic beverages to a restaurant, banquet facility,

1 grocery store, or hotel having not fewer than 150 guest room  
2 accommodations located in a municipality of more than 500,000  
3 persons, notwithstanding the proximity of such hotel,  
4 restaurant, banquet facility, or grocery store to any church  
5 or school, if the licensed premises described on the license  
6 are located within an enclosed mall or building of a height  
7 of at least 6 stories, or 60 feet in the case of a building  
8 that has been registered as a national landmark, or in a  
9 grocery store having a minimum of 56,010 square feet of floor  
10 space in a single story building in an open mall of at least  
11 3.96 acres that is adjacent to a public school that opened as  
12 a boys technical high school in 1934, and in each of these  
13 cases if the sale of alcoholic liquors is not the principal  
14 business carried on by the licensee.

15 For purposes of this Section, a "banquet facility" is any  
16 part of a building that caters to private parties and where  
17 the sale of alcoholic liquors is not the principal business.

18 (e) Nothing in this Section shall prohibit the issuance  
19 of a license to a church or private school to sell at retail  
20 alcoholic liquor if any such sales are limited to periods  
21 when groups are assembled on the premises solely for the  
22 promotion of some common object other than the sale or  
23 consumption of alcoholic liquors.

24 (f) Nothing in this Section shall prohibit a church or  
25 church affiliated school located in a home rule municipality  
26 or in a municipality with 75,000 or more inhabitants from  
27 locating within 100 feet of a property for which there is a  
28 preexisting license to sell alcoholic liquor at retail. In  
29 these instances, the local zoning authority may, by ordinance  
30 adopted simultaneously with the granting of an initial  
31 special use zoning permit for the church or church affiliated  
32 school, provide that the 100-foot restriction in this Section  
33 shall not apply to that church or church affiliated school  
34 and future retail liquor licenses.

1 (g) Nothing in this Section shall prohibit the issuance  
2 of a retail license authorizing the sale of alcoholic liquor  
3 at premises within 100 feet, but not less than 90 feet, of a  
4 public school if (1) the premises have been continuously  
5 licensed to sell alcoholic liquor for a period of at least 50  
6 years, (2) the premises are located in a municipality having  
7 a population of over 500,000 inhabitants, (3) the licensee is  
8 an individual who is a member of a family that has held the  
9 previous 3 licenses for that location for more than 25 years,  
10 (4) the principal of the school and the alderman of the ward  
11 in which the school is located have delivered a written  
12 statement to the local liquor control commissioner stating  
13 that they do not object to the issuance of a license under  
14 this subsection (g), and (5) the local liquor control  
15 commissioner has received the written consent of a majority  
16 of the registered voters who live within 200 feet of the  
17 premises.

18 (Source: P.A. 91-357, eff. 7-29-99; 91-623, eff. 1-1-00;  
19 92-720, eff. 7-25-02; 92-813, eff. 8-21-02; revised 9-18-02.)

20 (235 ILCS 5/6-15) (from Ch. 43, par. 130)

21 Sec. 6-15. No alcoholic liquors shall be sold or  
22 delivered in any building belonging to or under the control  
23 of the State or any political subdivision thereof except as  
24 provided in this Act. The corporate authorities of any city,  
25 village, incorporated town or township may provide by  
26 ordinance, however, that alcoholic liquor may be sold or  
27 delivered in any specifically designated building belonging  
28 to or under the control of the municipality or township, or  
29 in any building located on land under the control of the  
30 municipality; provided that such township complies with all  
31 applicable local ordinances in any incorporated area of the  
32 township. Alcoholic liquors may be delivered to and sold at  
33 any airport belonging to or under the control of a

1 municipality of more than 25,000 inhabitants, or in any  
2 building or on any golf course owned by a park district  
3 organized under the Park District Code, subject to the  
4 approval of the governing board of the district, or in any  
5 building or on any golf course owned by a forest preserve  
6 district organized under the Downstate Forest Preserve  
7 District Act, subject to the approval of the governing board  
8 of the district, or on the grounds within 500 feet of any  
9 building owned by a forest preserve district organized under  
10 the Downstate Forest Preserve District Act during times when  
11 food is dispensed for consumption within 500 feet of the  
12 building from which the food is dispensed, subject to the  
13 approval of the governing board of the district, or in a  
14 building owned by a Local Mass Transit District organized  
15 under the Local Mass Transit District Act, subject to the  
16 approval of the governing Board of the District, or in  
17 Bicentennial Park, or on the premises of the City of Mendota  
18 Lake Park located adjacent to Route 51 in Mendota, Illinois,  
19 or on the premises of Camden Park in Milan, Illinois, or in  
20 the community center owned by the City of Loves Park that is  
21 located at 1000 River Park Drive in Loves Park, Illinois, or,  
22 in connection with the operation of an established food  
23 serving facility during times when food is dispensed for  
24 consumption on the premises, and at the following aquarium  
25 and museums located in public parks: Art Institute of  
26 Chicago, Chicago Academy of Sciences, Chicago Historical  
27 Society, Field Museum of Natural History, Museum of Science  
28 and Industry, DuSable Museum of African American History,  
29 John G. Shedd Aquarium and Adler Planetarium, or at Lakeview  
30 Museum of Arts and Sciences in Peoria, or in connection with  
31 the operation of the facilities of the Chicago Zoological  
32 Society or the Chicago Horticultural Society on land owned by  
33 the Forest Preserve District of Cook County, or on any land  
34 used for a golf course or for recreational purposes owned by



1 the Forest Preserve District of Cook County, subject to the  
2 control of the Forest Preserve District Board of  
3 Commissioners and applicable local law, provided that dram  
4 shop liability insurance is provided at maximum coverage  
5 limits so as to hold the District harmless from all financial  
6 loss, damage, and harm, or in any building located on land  
7 owned by the Chicago Park District if approved by the Park  
8 District Commissioners, or on any land used for a golf course  
9 or for recreational purposes and owned by the Illinois  
10 International Port District if approved by the District's  
11 governing board, or at any airport, golf course, faculty  
12 center, or facility in which conference and convention type  
13 activities take place belonging to or under control of any  
14 State university or public community college district,  
15 provided that with respect to a facility for conference and  
16 convention type activities alcoholic liquors shall be limited  
17 to the use of the convention or conference participants or  
18 participants in cultural, political or educational activities  
19 held in such facilities, and provided further that the  
20 faculty or staff of the State university or a public  
21 community college district, or members of an organization of  
22 students, alumni, faculty or staff of the State university or  
23 a public community college district are active participants  
24 in the conference or convention, or in Memorial Stadium on  
25 the campus of the University of Illinois at Urbana-Champaign  
26 during games in which the Chicago Bears professional football  
27 team is playing in that stadium during the renovation of  
28 Soldier Field, not more than one and a half hours before the  
29 start of the game and not after the end of the third quarter  
30 of the game, or by a catering establishment which has rented  
31 facilities from a board of trustees of a public community  
32 college district, or, if approved by the District board, on  
33 land owned by the Metropolitan Sanitary District of Greater  
34 Chicago and leased to others for a term of at least 20 years.

1 Nothing in this Section precludes the sale or delivery of  
2 alcoholic liquor in the form of original packaged goods in  
3 premises located at 500 S. Racine in Chicago belonging to the  
4 University of Illinois and used primarily as a grocery store  
5 by a commercial tenant during the term of a lease that  
6 predates the University's acquisition of the premises; but  
7 the University shall have no power or authority to renew,  
8 transfer, or extend the lease with terms allowing the sale of  
9 alcoholic liquor; and the sale of alcoholic liquor shall be  
10 subject to all local laws and regulations. After the  
11 acquisition by Winnebago County of the property located at  
12 404 Elm Street in Rockford, a commercial tenant who sold  
13 alcoholic liquor at retail on a portion of the property under  
14 a valid license at the time of the acquisition may continue  
15 to do so for so long as the tenant and the County may agree  
16 under existing or future leases, subject to all local laws  
17 and regulations regarding the sale of alcoholic liquor. Each  
18 facility shall provide dram shop liability in maximum  
19 insurance coverage limits so as to save harmless the State,  
20 municipality, State university, airport, golf course, faculty  
21 center, facility in which conference and convention type  
22 activities take place, park district, Forest Preserve  
23 District, public community college district, aquarium,  
24 museum, or sanitary district from all financial loss, damage  
25 or harm. Alcoholic liquors may be sold at retail in buildings  
26 of golf courses owned by municipalities in connection with  
27 the operation of an established food serving facility during  
28 times when food is dispensed for consumption upon the  
29 premises. Alcoholic liquors may be delivered to and sold at  
30 retail in any building owned by a fire protection district  
31 organized under the Fire Protection District Act, provided  
32 that such delivery and sale is approved by the board of  
33 trustees of the district, and provided further that such  
34 delivery and sale is limited to fundraising events and to a

1 maximum of 6 events per year.

2 Alcoholic liquor may be delivered to and sold at retail  
3 in the Dorchester Senior Business Center owned by the Village  
4 of Dolton if the alcoholic liquor is sold or dispensed only  
5 in connection with organized functions for which the planned  
6 attendance is 20 or more persons, and if the person or  
7 facility selling or dispensing the alcoholic liquor has  
8 provided dram shop liability insurance in maximum limits so  
9 as to hold harmless the Village of Dolton and the State from  
10 all financial loss, damage and harm.

11 Alcoholic liquors may be delivered to and sold at retail  
12 in any building used as an Illinois State Armory provided:

13 (i) the Adjutant General's written consent to the  
14 issuance of a license to sell alcoholic liquor in such  
15 building is filed with the Commission;

16 (ii) the alcoholic liquor is sold or dispensed only  
17 in connection with organized functions held on special  
18 occasions;

19 (iii) the organized function is one for which the  
20 planned attendance is 25 or more persons; and

21 (iv) the facility selling or dispensing the  
22 alcoholic liquors has provided dram shop liability  
23 insurance in maximum limits so as to save harmless the  
24 facility and the State from all financial loss, damage or  
25 harm.

26 Alcoholic liquors may be delivered to and sold at retail  
27 in the Chicago Civic Center, provided that:

28 (i) the written consent of the Public Building  
29 Commission which administers the Chicago Civic Center is  
30 filed with the Commission;

31 (ii) the alcoholic liquor is sold or dispensed only  
32 in connection with organized functions held on special  
33 occasions;

34 (iii) the organized function is one for which the

1 planned attendance is 25 or more persons;

2 (iv) the facility selling or dispensing the  
3 alcoholic liquors has provided dram shop liability  
4 insurance in maximum limits so as to hold harmless the  
5 Civic Center, the City of Chicago and the State from all  
6 financial loss, damage or harm; and

7 (v) all applicable local ordinances are complied  
8 with.

9 Alcoholic liquors may be delivered or sold in any  
10 building belonging to or under the control of any city,  
11 village or incorporated town where more than 75% of the  
12 physical properties of the building is used for commercial or  
13 recreational purposes, and the building is located upon a  
14 pier extending into or over the waters of a navigable lake or  
15 stream or on the shore of a navigable lake or stream.  
16 Alcoholic liquor may be sold in buildings under the control  
17 of the Department of Natural Resources when written consent  
18 to the issuance of a license to sell alcoholic liquor in such  
19 buildings is filed with the Commission by the Department of  
20 Natural Resources. Notwithstanding any other provision of  
21 this Act, alcoholic liquor sold by a United States Army Corps  
22 of Engineers or Department of Natural Resources  
23 concessionaire who was operating on June 1, 1991 for  
24 on-premises consumption only is not subject to the provisions  
25 of Articles IV and IX. Beer and wine may be sold on the  
26 premises of the Joliet Park District Stadium owned by the  
27 Joliet Park District when written consent to the issuance of  
28 a license to sell beer and wine in such premises is filed  
29 with the local liquor commissioner by the Joliet Park  
30 District. Beer and wine may be sold in buildings on the  
31 grounds of State veterans' homes when written consent to the  
32 issuance of a license to sell beer and wine in such buildings  
33 is filed with the Commission by the Department of Veterans'  
34 Affairs, and the facility shall provide dram shop liability

1 in maximum insurance coverage limits so as to save the  
2 facility harmless from all financial loss, damage or harm.  
3 Such liquors may be delivered to and sold at any property  
4 owned or held under lease by a Metropolitan Pier and  
5 Exposition Authority or Metropolitan Exposition and  
6 Auditorium Authority.

7 Beer and wine may be sold and dispensed at professional  
8 sporting events and at professional concerts and other  
9 entertainment events conducted on premises owned by the  
10 Forest Preserve District of Kane County, subject to the  
11 control of the District Commissioners and applicable local  
12 law, provided that dram shop liability insurance is provided  
13 at maximum coverage limits so as to hold the District  
14 harmless from all financial loss, damage and harm.

15 Nothing in this Section shall preclude the sale or  
16 delivery of beer and wine at a State or county fair or the  
17 sale or delivery of beer or wine at a city fair in any  
18 otherwise lawful manner.

19 Alcoholic liquors may be sold at retail in buildings in  
20 State parks under the control of the Department of Natural  
21 Resources, provided:

22 a. the State park has overnight lodging facilities  
23 with some restaurant facilities or, not having overnight  
24 lodging facilities, has restaurant facilities which serve  
25 complete luncheon and dinner or supper meals,

26 b. consent to the issuance of a license to sell  
27 alcoholic liquors in the buildings has been filed with  
28 the commission by the Department of Natural Resources,  
29 and

30 c. the alcoholic liquors are sold by the State park  
31 lodge or restaurant concessionaire only during the hours  
32 from 11 o'clock a.m. until 12 o'clock midnight.  
33 Notwithstanding any other provision of this Act,  
34 alcoholic liquor sold by the State park or restaurant

1 concessionaire is not subject to the provisions of  
2 Articles IV and IX.

3 Alcoholic liquors may be sold at retail in buildings on  
4 properties under the control of the Historic Sites and  
5 Preservation Division of the Historic Preservation Agency or  
6 the Abraham Lincoln Presidential Library and Museum provided:

7 a. the property has overnight lodging facilities  
8 with some restaurant facilities or, not having overnight  
9 lodging facilities, has restaurant facilities which serve  
10 complete luncheon and dinner or supper meals,

11 b. consent to the issuance of a license to sell  
12 alcoholic liquors in the buildings has been filed with  
13 the commission by the Historic Sites and Preservation  
14 Division of the Historic Preservation Agency or the  
15 Abraham Lincoln Presidential Library and Museum, and

16 c. the alcoholic liquors are sold by the lodge or  
17 restaurant concessionaire only during the hours from 11  
18 o'clock a.m. until 12 o'clock midnight.

19 The sale of alcoholic liquors pursuant to this Section  
20 does not authorize the establishment and operation of  
21 facilities commonly called taverns, saloons, bars, cocktail  
22 lounges, and the like except as a part of lodge and  
23 restaurant facilities in State parks or golf courses owned by  
24 Forest Preserve Districts with a population of less than  
25 3,000,000 or municipalities or park districts.

26 Alcoholic liquors may be sold at retail in the  
27 Springfield Administration Building of the Department of  
28 Transportation and the Illinois State Armory in Springfield;  
29 provided, that the controlling government authority may  
30 consent to such sales only if

31 a. the request is from a not-for-profit  
32 organization;

33 b. such sales would not impede normal operations of  
34 the departments involved;

1 c. the not-for-profit organization provides dram  
2 shop liability in maximum insurance coverage limits and  
3 agrees to defend, save harmless and indemnify the State  
4 of Illinois from all financial loss, damage or harm;

5 d. no such sale shall be made during normal working  
6 hours of the State of Illinois; and

7 e. the consent is in writing.

8 Alcoholic liquors may be sold at retail in buildings in  
9 recreational areas of river conservancy districts under the  
10 control of, or leased from, the river conservancy districts.  
11 Such sales are subject to reasonable local regulations as  
12 provided in Article IV; however, no such regulations may  
13 prohibit or substantially impair the sale of alcoholic  
14 liquors on Sundays or Holidays.

15 Alcoholic liquors may be provided in long term care  
16 facilities owned or operated by a county under Division 5-21  
17 or 5-22 of the Counties Code, when approved by the facility  
18 operator and not in conflict with the regulations of the  
19 Illinois Department of Public Health, to residents of the  
20 facility who have had their consumption of the alcoholic  
21 liquors provided approved in writing by a physician licensed  
22 to practice medicine in all its branches.

23 Alcoholic liquors may be delivered to and dispensed in  
24 State housing assigned to employees of the Department of  
25 Corrections. No person shall furnish or allow to be furnished  
26 any alcoholic liquors to any prisoner confined in any jail,  
27 reformatory, prison or house of correction except upon a  
28 physician's prescription for medicinal purposes.

29 Alcoholic liquors may be sold at retail or dispensed at  
30 the Willard Ice Building in Springfield, at the State Library  
31 in Springfield, and at Illinois State Museum facilities by  
32 (1) an agency of the State, whether legislative, judicial or  
33 executive, provided that such agency first obtains written  
34 permission to sell or dispense alcoholic liquors from the

1 controlling government authority, or by (2) a not-for-profit  
2 organization, provided that such organization:

3 a. Obtains written consent from the controlling  
4 government authority;

5 b. Sells or dispenses the alcoholic liquors in a  
6 manner that does not impair normal operations of State  
7 offices located in the building;

8 c. Sells or dispenses alcoholic liquors only in  
9 connection with an official activity in the building;

10 d. Provides, or its catering service provides, dram  
11 shop liability insurance in maximum coverage limits and  
12 in which the carrier agrees to defend, save harmless and  
13 indemnify the State of Illinois from all financial loss,  
14 damage or harm arising out of the selling or dispensing  
15 of alcoholic liquors.

16 Nothing in this Act shall prevent a not-for-profit  
17 organization or agency of the State from employing the  
18 services of a catering establishment for the selling or  
19 dispensing of alcoholic liquors at authorized functions.

20 The controlling government authority for the Willard Ice  
21 Building in Springfield shall be the Director of the  
22 Department of Revenue. The controlling government authority  
23 for Illinois State Museum facilities shall be the Director of  
24 the Illinois State Museum. The controlling government  
25 authority for the State Library in Springfield shall be the  
26 Secretary of State.

27 Alcoholic liquors may be delivered to and sold at retail  
28 or dispensed at any facility, property or building under the  
29 jurisdiction of the Historic Sites and Preservation Division  
30 of the Historic Preservation Agency or the Abraham Lincoln  
31 Presidential Library and Museum where the delivery, sale or  
32 dispensing is by (1) an agency of the State, whether  
33 legislative, judicial or executive, provided that such agency  
34 first obtains written permission to sell or dispense



1 alcoholic liquors from a controlling government authority, or  
2 by (2) a not-for-profit organization provided that such  
3 organization:

4 a. Obtains written consent from the controlling  
5 government authority;

6 b. Sells or dispenses the alcoholic liquors in a  
7 manner that does not impair normal workings of State  
8 offices or operations located at the facility, property  
9 or building;

10 c. Sells or dispenses alcoholic liquors only in  
11 connection with an official activity of the  
12 not-for-profit organization in the facility, property or  
13 building;

14 d. Provides, or its catering service provides, dram  
15 shop liability insurance in maximum coverage limits and  
16 in which the carrier agrees to defend, save harmless and  
17 indemnify the State of Illinois from all financial loss,  
18 damage or harm arising out of the selling or dispensing  
19 of alcoholic liquors.

20 The controlling government authority for the Historic  
21 Sites and Preservation Division of the Historic Preservation  
22 Agency shall be the Director of the Historic Sites and  
23 Preservation, and the controlling government authority for  
24 the Abraham Lincoln Presidential Library and Museum shall be  
25 the Director of the Abraham Lincoln Presidential Library and  
26 Museum.

27 Alcoholic liquors may be sold at retail or dispensed at  
28 the James R. Thompson Center in Chicago and 222 South College  
29 Street in Springfield, Illinois by (1) a commercial tenant or  
30 subtenant conducting business on the premises under a lease  
31 made pursuant to Section 405-315 of the Department of Central  
32 Management Services Law (20 ILCS 405/405-315), provided that  
33 such tenant or subtenant who sells or dispenses alcoholic  
34 liquors shall procure and maintain dram shop liability

1 insurance in maximum coverage limits and in which the carrier  
2 agrees to defend, indemnify and save harmless the State of  
3 Illinois from all financial loss, damage or harm arising out  
4 of the sale or dispensing of alcoholic liquors, or by (2) an  
5 agency of the State, whether legislative, judicial or  
6 executive, provided that such agency first obtains written  
7 permission to sell or dispense alcoholic liquors from the  
8 Director of Central Management Services, or by (3) a  
9 not-for-profit organization, provided that such organization:

10 a. Obtains written consent from the Department of  
11 Central Management Services;

12 b. Sells or dispenses the alcoholic liquors in a  
13 manner that does not impair normal operations of State  
14 offices located in the building;

15 c. Sells or dispenses alcoholic liquors only in  
16 connection with an official activity in the building;

17 d. Provides, or its catering service provides, dram  
18 shop liability insurance in maximum coverage limits and  
19 in which the carrier agrees to defend, save harmless and  
20 indemnify the State of Illinois from all financial loss,  
21 damage or harm arising out of the selling or dispensing  
22 of alcoholic liquors.

23 Nothing in this Act shall prevent a not-for-profit  
24 organization or agency of the State from employing the  
25 services of a catering establishment for the selling or  
26 dispensing of alcoholic liquors at functions authorized by  
27 the Director of Central Management Services.

28 Alcoholic liquors may be sold or delivered at any  
29 facility owned by the Illinois Sports Facilities Authority  
30 provided that dram shop liability insurance has been made  
31 available in a form, with such coverage and in such amounts  
32 as the Authority reasonably determines is necessary.

33 Alcoholic liquors may be sold at retail or dispensed at  
34 the Rockford State Office Building by (1) an agency of the

1 State, whether legislative, judicial or executive, provided  
2 that such agency first obtains written permission to sell or  
3 dispense alcoholic liquors from the Department of Central  
4 Management Services, or by (2) a not-for-profit organization,  
5 provided that such organization:

6 a. Obtains written consent from the Department of  
7 Central Management Services;

8 b. Sells or dispenses the alcoholic liquors in a  
9 manner that does not impair normal operations of State  
10 offices located in the building;

11 c. Sells or dispenses alcoholic liquors only in  
12 connection with an official activity in the building;

13 d. Provides, or its catering service provides, dram  
14 shop liability insurance in maximum coverage limits and  
15 in which the carrier agrees to defend, save harmless and  
16 indemnify the State of Illinois from all financial loss,  
17 damage or harm arising out of the selling or dispensing  
18 of alcoholic liquors.

19 Nothing in this Act shall prevent a not-for-profit  
20 organization or agency of the State from employing the  
21 services of a catering establishment for the selling or  
22 dispensing of alcoholic liquors at functions authorized by  
23 the Department of Central Management Services.

24 Alcoholic liquors may be sold or delivered in a building  
25 that is owned by McLean County, situated on land owned by the  
26 county in the City of Bloomington, and used by the McLean  
27 County Historical Society if the sale or delivery is approved  
28 by an ordinance adopted by the county board, and the  
29 municipality in which the building is located may not  
30 prohibit that sale or delivery, notwithstanding any other  
31 provision of this Section. The regulation of the sale and  
32 delivery of alcoholic liquor in a building that is owned by  
33 McLean County, situated on land owned by the county, and used  
34 by the McLean County Historical Society as provided in this

1 paragraph is an exclusive power and function of the State and  
2 is a denial and limitation under Article VII, Section 6,  
3 subsection (h) of the Illinois Constitution of the power of a  
4 home rule municipality to regulate that sale and delivery.

5 Alcoholic liquors may be sold or delivered in any  
6 building situated on land held in trust for any school  
7 district organized under Article 34 of the School Code, if  
8 the building is not used for school purposes and if the sale  
9 or delivery is approved by the board of education.

10 Alcoholic liquors may be sold or delivered in buildings  
11 owned by the Community Building Complex Committee of Boone  
12 County, Illinois if the person or facility selling or  
13 dispensing the alcoholic liquor has provided dram shop  
14 liability insurance with coverage and in amounts that the  
15 Committee reasonably determines are necessary.

16 Alcoholic liquors may be sold or delivered in the  
17 building located at 1200 Centerville Avenue in Belleville,  
18 Illinois and occupied by either the Belleville Area Special  
19 Education District or the Belleville Area Special Services  
20 Cooperative.

21 (Source: P.A. 91-239, eff. 1-1-00; 91-922, eff. 7-7-00;  
22 92-512, eff. 1-1-02; 92-583, eff. 6-26-02; 92-600, eff.  
23 7-1-02; revised 9-3-02.)

24 Section 42. The Illinois Public Aid Code is amended by  
25 changing Sections 5-5.4, 5-5.12, 10-8.1, 10-10, 10-11, and  
26 12-13.05 as follows:

27 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

28 Sec. 5-5.4. Standards of Payment - Department of Public  
29 Aid. The Department of Public Aid shall develop standards of  
30 payment of skilled nursing and intermediate care services in  
31 facilities providing such services under this Article which:

32 (1) Provide for the determination of a facility's

1 payment for skilled nursing and intermediate care services on  
2 a prospective basis. The amount of the payment rate for all  
3 nursing facilities certified under the medical assistance  
4 program shall be prospectively established annually on the  
5 basis of historical, financial, and statistical data  
6 reflecting actual costs from prior years, which shall be  
7 applied to the current rate year and updated for inflation,  
8 except that the capital cost element for newly constructed  
9 facilities shall be based upon projected budgets. The  
10 annually established payment rate shall take effect on July 1  
11 in 1984 and subsequent years. No rate increase and no update  
12 for inflation shall be provided on or after July 1, 1994 and  
13 before July 1, 2003, unless specifically provided for in this  
14 Section.

15 For facilities licensed by the Department of Public  
16 Health under the Nursing Home Care Act as Intermediate Care  
17 for the Developmentally Disabled facilities or Long Term Care  
18 for Under Age 22 facilities, the rates taking effect on July  
19 1, 1998 shall include an increase of 3%. For facilities  
20 licensed by the Department of Public Health under the Nursing  
21 Home Care Act as Skilled Nursing facilities or Intermediate  
22 Care facilities, the rates taking effect on July 1, 1998  
23 shall include an increase of 3% plus \$1.10 per resident-day,  
24 as defined by the Department.

25 For facilities licensed by the Department of Public  
26 Health under the Nursing Home Care Act as Intermediate Care  
27 for the Developmentally Disabled facilities or Long Term Care  
28 for Under Age 22 facilities, the rates taking effect on July  
29 1, 1999 shall include an increase of 1.6% plus \$3.00 per  
30 resident-day, as defined by the Department. For facilities  
31 licensed by the Department of Public Health under the Nursing  
32 Home Care Act as Skilled Nursing facilities or Intermediate  
33 Care facilities, the rates taking effect on July 1, 1999  
34 shall include an increase of 1.6% and, for services provided

1 on or after October 1, 1999, shall be increased by \$4.00 per  
2 resident-day, as defined by the Department.

3 For facilities licensed by the Department of Public  
4 Health under the Nursing Home Care Act as Intermediate Care  
5 for the Developmentally Disabled facilities or Long Term Care  
6 for Under Age 22 facilities, the rates taking effect on July  
7 1, 2000 shall include an increase of 2.5% per resident-day,  
8 as defined by the Department. For facilities licensed by the  
9 Department of Public Health under the Nursing Home Care Act  
10 as Skilled Nursing facilities or Intermediate Care  
11 facilities, the rates taking effect on July 1, 2000 shall  
12 include an increase of 2.5% per resident-day, as defined by  
13 the Department.

14 For facilities licensed by the Department of Public  
15 Health under the Nursing Home Care Act as skilled nursing  
16 facilities or intermediate care facilities, a new payment  
17 methodology must be implemented for the nursing component of  
18 the rate effective July 1, 2003. The Department of Public Aid  
19 shall develop the new payment methodology using the Minimum  
20 Data Set (MDS) as the instrument to collect information  
21 concerning nursing home resident condition necessary to  
22 compute the rate. The Department of Public Aid shall develop  
23 the new payment methodology to meet the unique needs of  
24 Illinois nursing home residents while remaining subject to  
25 the appropriations provided by the General Assembly. A  
26 transition period from the payment methodology in effect on  
27 June 30, 2003 to the payment methodology in effect on July 1,  
28 2003 shall be provided for a period not exceeding 2 years  
29 after implementation of the new payment methodology as  
30 follows:

31 (A) For a facility that would receive a lower  
32 nursing component rate per patient day under the new  
33 system than the facility received effective on the date  
34 immediately preceding the date that the Department

1 implements the new payment methodology, the nursing  
2 component rate per patient day for the facility shall be  
3 held at the level in effect on the date immediately  
4 preceding the date that the Department implements the new  
5 payment methodology until a higher nursing component rate  
6 of reimbursement is achieved by that facility.

7 (B) For a facility that would receive a higher  
8 nursing component rate per patient day under the payment  
9 methodology in effect on July 1, 2003 than the facility  
10 received effective on the date immediately preceding the  
11 date that the Department implements the new payment  
12 methodology, the nursing component rate per patient day  
13 for the facility shall be adjusted.

14 (C) Notwithstanding paragraphs (A) and (B), the  
15 nursing component rate per patient day for the facility  
16 shall be adjusted subject to appropriations provided by  
17 the General Assembly.

18 For facilities licensed by the Department of Public  
19 Health under the Nursing Home Care Act as Intermediate Care  
20 for the Developmentally Disabled facilities or Long Term Care  
21 for Under Age 22 facilities, the rates taking effect on March  
22 1, 2001 shall include a statewide increase of 7.85%, as  
23 defined by the Department.

24 For facilities licensed by the Department of Public  
25 Health under the Nursing Home Care Act as Intermediate Care  
26 for the Developmentally Disabled facilities or Long Term Care  
27 for Under Age 22 facilities, the rates taking effect on April  
28 1, 2002 shall include a statewide increase of 2.0%, as  
29 defined by the Department. This increase terminates on July  
30 1, 2002; beginning July 1, 2002 these rates are reduced to  
31 the level of the rates in effect on March 31, 2002, as  
32 defined by the Department.

33 For facilities licensed by the Department of Public  
34 Health under the Nursing Home Care Act as skilled nursing

1 facilities or intermediate care facilities, the rates taking  
2 effect on July 1, 2001, and each subsequent year thereafter,  
3 shall be computed using the most recent cost reports on file  
4 with the Department of Public Aid no later than April 1,  
5 2000, updated for inflation to January 1, 2001. For rates  
6 effective July 1, 2001 only, rates shall be the greater of  
7 the rate computed for July 1, 2001 or the rate effective on  
8 June 30, 2001.

9 Notwithstanding any other provision of this Section, for  
10 facilities licensed by the Department of Public Health under  
11 the Nursing Home Care Act as skilled nursing facilities or  
12 intermediate care facilities, the Illinois Department shall  
13 determine by rule the rates taking effect on July 1, 2002,  
14 which shall be 5.9% less than the rates in effect on June 30,  
15 2002.

16 Rates established effective each July 1 shall govern  
17 payment for services rendered throughout that fiscal year,  
18 except that rates established on July 1, 1996 shall be  
19 increased by 6.8% for services provided on or after January  
20 1, 1997. Such rates will be based upon the rates calculated  
21 for the year beginning July 1, 1990, and for subsequent years  
22 thereafter until June 30, 2001 shall be based on the facility  
23 cost reports for the facility fiscal year ending at any point  
24 in time during the previous calendar year, updated to the  
25 midpoint of the rate year. The cost report shall be on file  
26 with the Department no later than April 1 of the current rate  
27 year. Should the cost report not be on file by April 1, the  
28 Department shall base the rate on the latest cost report  
29 filed by each skilled care facility and intermediate care  
30 facility, updated to the midpoint of the current rate year.  
31 In determining rates for services rendered on and after July  
32 1, 1985, fixed time shall not be computed at less than zero.  
33 The Department shall not make any alterations of regulations  
34 which would reduce any component of the Medicaid rate to a



1 level below what that component would have been utilizing in  
2 the rate effective on July 1, 1984.

3 (2) Shall take into account the actual costs incurred by  
4 facilities in providing services for recipients of skilled  
5 nursing and intermediate care services under the medical  
6 assistance program.

7 (3) Shall take into account the medical and  
8 psycho-social characteristics and needs of the patients.

9 (4) Shall take into account the actual costs incurred by  
10 facilities in meeting licensing and certification standards  
11 imposed and prescribed by the State of Illinois, any of its  
12 political subdivisions or municipalities and by the U.S.  
13 Department of Health and Human Services pursuant to Title XIX  
14 of the Social Security Act.

15 The Department of Public Aid shall develop precise  
16 standards for payments to reimburse nursing facilities for  
17 any utilization of appropriate rehabilitative personnel for  
18 the provision of rehabilitative services which is authorized  
19 by federal regulations, including reimbursement for services  
20 provided by qualified therapists or qualified assistants, and  
21 which is in accordance with accepted professional practices.  
22 Reimbursement also may be made for utilization of other  
23 supportive personnel under appropriate supervision.

24 (Source: P.A. 91-24, eff. 7-1-99; 91-712, eff. 7-1-00; 92-10,  
25 eff. 6-11-01; 92-31, eff. 6-28-01; 92-597, eff. 6-28-02;  
26 92-651, eff. 7-11-02; 92-848, eff. 1-1-03; revised 9-20-02.)

27 (305 ILCS 5/5-5.12) (from Ch. 23, par. 5-5.12)

28 Sec. 5-5.12. Pharmacy payments.

29 (a) Every request submitted by a pharmacy for  
30 reimbursement under this Article for prescription drugs  
31 provided to a recipient of aid under this Article shall  
32 include the name of the prescriber or an acceptable  
33 identification number as established by the Department.

1 (b) Pharmacies providing prescription drugs under this  
2 Article shall be reimbursed at a rate which shall include a  
3 professional dispensing fee as determined by the Illinois  
4 Department, plus the current acquisition cost of the  
5 prescription drug dispensed. The Illinois Department shall  
6 update its information on the acquisition costs of all  
7 prescription drugs no less frequently than every 30 days.  
8 However, the Illinois Department may set the rate of  
9 reimbursement for the acquisition cost, by rule, at a  
10 percentage of the current average wholesale acquisition cost.

11 (c) Reimbursement under this Article for prescription  
12 drugs shall be limited to reimbursement for 4 brand-name  
13 prescription drugs per patient per month. This subsection  
14 applies only if (i) the brand-name drug was not prescribed  
15 for an acute or urgent condition, (ii) the brand-name drug  
16 was not prescribed for Alzheimer's disease, arthritis,  
17 diabetes, HIV/AIDS, a mental health condition, or respiratory  
18 disease, and (iii) a therapeutically equivalent generic  
19 medication has been approved by the federal Food and Drug  
20 Administration.

21 (d) The Department shall not impose requirements for  
22 prior approval based on a preferred drug list for  
23 anti-retroviral or any atypical antipsychotics, conventional  
24 antipsychotics, or anticonvulsants used for the treatment of  
25 serious mental illnesses until 30 days after it has conducted  
26 a study of the impact of such requirements on patient care  
27 and submitted a report to the Speaker of the House of  
28 Representatives and the President of the Senate.

29 (Source: P.A. 92-597, eff. 6-28-02; 92-825, eff. 8-21-02;  
30 revised 9-19-02.)

31 (305 ILCS 5/10-8.1)

32 (Text of Section before amendment by P.A. 92-876)

33 Sec. 10-8.1. Temporary order for child support.

1 Notwithstanding any other law to the contrary, pending the  
2 outcome of an administrative determination of parentage, the  
3 Illinois Department shall issue a temporary order for child  
4 support, upon motion by a party and a showing of clear and  
5 convincing evidence of paternity. In determining the amount  
6 of the temporary child support award, the Illinois Department  
7 shall use the guidelines and standards set forth in  
8 subsection (a) of Section 505 and in Section 505.2 of the  
9 Illinois Marriage and Dissolution of Marriage Act.

10 Any new or existing support order entered by the Illinois  
11 Department under this Section shall be deemed to be a series  
12 of judgments against the person obligated to pay support  
13 thereunder, each such judgment to be in the amount of each  
14 payment or installment of support and each judgment to be  
15 deemed entered as of the date the corresponding payment or  
16 installment becomes due under the terms of the support order.  
17 Each such judgment shall have the full force, effect, and  
18 attributes of any other judgment of this State, including the  
19 ability to be enforced. Any such judgment is subject to  
20 modification or termination only in accordance with Section  
21 510 of the Illinois Marriage and Dissolution of Marriage Act.  
22 A lien arises by operation of law against the real and  
23 personal property of the noncustodial parent for each  
24 installment of overdue support owed by the noncustodial  
25 parent.

26 All orders for support entered or modified in a case in  
27 which a party is receiving child support enforcement services  
28 under this Article X shall include a provision requiring the  
29 non-custodial parent to notify the Illinois Department,  
30 within 7 days, (i) of the name, address, and telephone number  
31 of any new employer of the non-custodial parent, (ii) whether  
32 the non-custodial parent has access to health insurance  
33 coverage through the employer or other group coverage, and,  
34 if so, the policy name and number and the names of persons

1 covered under the policy, and (iii) of any new residential or  
2 mailing address or telephone number of the non-custodial  
3 parent.

4 In any subsequent action to enforce a support order, upon  
5 sufficient showing that diligent effort has been made to  
6 ascertain the location of the non-custodial parent, service  
7 of process or provision of notice necessary in that action  
8 may be made at the last known address of the non-custodial  
9 parent, in any manner expressly provided by the Code of Civil  
10 Procedure or this Act, which service shall be sufficient for  
11 purposes of due process.

12 An order for support shall include a date on which the  
13 current support obligation terminates. The termination date  
14 shall be no earlier than the date on which the child covered  
15 by the order will attain the age of majority or is otherwise  
16 emancipated. The order for support shall state that the  
17 termination date does not apply to any arrearage that may  
18 remain unpaid on that date. Nothing in this paragraph shall  
19 be construed to prevent the Illinois Department from  
20 modifying the order.

21 (Source: P.A. 92-590, eff. 7-1-02.)

22 (Text of Section after amendment by P.A. 92-876)

23 Sec. 10-8.1. Temporary order for child support.  
24 Notwithstanding any other law to the contrary, pending the  
25 outcome of an administrative determination of parentage, the  
26 Illinois Department shall issue a temporary order for child  
27 support, upon motion by a party and a showing of clear and  
28 convincing evidence of paternity. In determining the amount  
29 of the temporary child support award, the Illinois Department  
30 shall use the guidelines and standards set forth in  
31 subsection (a) of Section 505 and in Section 505.2 of the  
32 Illinois Marriage and Dissolution of Marriage Act.

33 Any new or existing support order entered by the Illinois  
34 Department under this Section shall be deemed to be a series

1 of judgments against the person obligated to pay support  
2 thereunder, each such judgment to be in the amount of each  
3 payment or installment of support and each judgment to be  
4 deemed entered as of the date the corresponding payment or  
5 installment becomes due under the terms of the support order.  
6 Each such judgment shall have the full force, effect, and  
7 attributes of any other judgment of this State, including the  
8 ability to be enforced. Any such judgment is subject to  
9 modification or termination only in accordance with Section  
10 510 of the Illinois Marriage and Dissolution of Marriage Act.  
11 A lien arises by operation of law against the real and  
12 personal property of the noncustodial parent for each  
13 installment of overdue support owed by the noncustodial  
14 parent.

15 All orders for support entered or modified in a case in  
16 which a party is receiving child support enforcement services  
17 under this Article X shall include a provision requiring the  
18 non-custodial parent to notify the Illinois Department,  
19 within 7 days, (i) of the name, address, and telephone number  
20 of any new employer of the non-custodial parent, (ii) whether  
21 the non-custodial parent has access to health insurance  
22 coverage through the employer or other group coverage, and,  
23 if so, the policy name and number and the names of persons  
24 covered under the policy, and (iii) of any new residential or  
25 mailing address or telephone number of the non-custodial  
26 parent.

27 In any subsequent action to enforce a support order, upon  
28 sufficient showing that diligent effort has been made to  
29 ascertain the location of the non-custodial parent, service  
30 of process or provision of notice necessary in that action  
31 may be made at the last known address of the non-custodial  
32 parent, in any manner expressly provided by the Code of Civil  
33 Procedure or this Act, which service shall be sufficient for  
34 purposes of due process.

1 An order for support shall include a date on which the  
2 current support obligation terminates. The termination date  
3 shall be no earlier than the date on which the child covered  
4 by the order will attain the age of 18. However, if the  
5 child will not graduate from high school until after  
6 attaining the age of 18, then the termination date shall be  
7 no earlier than the earlier of the date on which the child's  
8 high school graduation will occur or the date on which the  
9 child will attain the age of 19. The order for support shall  
10 state that the termination date does not apply to any  
11 arrearage that may remain unpaid on that date. Nothing in  
12 this paragraph shall be construed to prevent the Illinois  
13 Department from modifying the order or terminating the order  
14 in the event the child is otherwise emancipated.

15 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03;  
16 revised 1-14-03.)

17 (305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

18 (Text of Section before amendment by P.A. 92-876)

19 Sec. 10-10. Court enforcement; applicability also to  
20 persons who are not applicants or recipients. Except where  
21 the Illinois Department, by agreement, acts for the local  
22 governmental unit, as provided in Section 10-3.1, local  
23 governmental units shall refer to the State's Attorney or to  
24 the proper legal representative of the governmental unit, for  
25 judicial enforcement as herein provided, instances of  
26 non-support or insufficient support when the dependents are  
27 applicants or recipients under Article VI. The Child and  
28 Spouse Support Unit established by Section 10-3.1 may  
29 institute in behalf of the Illinois Department any actions  
30 under this Section for judicial enforcement of the support  
31 liability when the dependents are (a) applicants or  
32 recipients under Articles III, IV, V or VII; (b) applicants  
33 or recipients in a local governmental unit when the Illinois

1 Department, by agreement, acts for the unit; or (c)  
2 non-applicants or non-recipients who are receiving child  
3 support enforcement services under this Article X, as  
4 provided in Section 10-1. Where the Child and Spouse Support  
5 Unit has exercised its option and discretion not to apply the  
6 provisions of Sections 10-3 through 10-8, the failure by the  
7 Unit to apply such provisions shall not be a bar to bringing  
8 an action under this Section.

9 Action shall be brought in the circuit court to obtain  
10 support, or for the recovery of aid granted during the period  
11 such support was not provided, or both for the obtainment of  
12 support and the recovery of the aid provided. Actions for  
13 the recovery of aid may be taken separately or they may be  
14 consolidated with actions to obtain support. Such actions  
15 may be brought in the name of the person or persons requiring  
16 support, or may be brought in the name of the Illinois  
17 Department or the local governmental unit, as the case  
18 requires, in behalf of such persons.

19 The court may enter such orders for the payment of moneys  
20 for the support of the person as may be just and equitable  
21 and may direct payment thereof for such period or periods of  
22 time as the circumstances require, including support for a  
23 period before the date the order for support is entered. The  
24 order may be entered against any or all of the defendant  
25 responsible relatives and may be based upon the proportionate  
26 ability of each to contribute to the person's support.

27 The Court shall determine the amount of child support  
28 (including child support for a period before the date the  
29 order for child support is entered) by using the guidelines  
30 and standards set forth in subsection (a) of Section 505 and  
31 in Section 505.2 of the Illinois Marriage and Dissolution of  
32 Marriage Act. For purposes of determining the amount of child  
33 support to be paid for a period before the date the order for  
34 child support is entered, there is a rebuttable presumption

1 that the responsible relative's net income for that period  
2 was the same as his or her net income at the time the order  
3 is entered.

4 If (i) the responsible relative was properly served with  
5 a request for discovery of financial information relating to  
6 the responsible relative's ability to provide child support,  
7 (ii) the responsible relative failed to comply with the  
8 request, despite having been ordered to do so by the court,  
9 and (iii) the responsible relative is not present at the  
10 hearing to determine support despite having received proper  
11 notice, then any relevant financial information concerning  
12 the responsible relative's ability to provide child support  
13 that was obtained pursuant to subpoena and proper notice  
14 shall be admitted into evidence without the need to establish  
15 any further foundation for its admission.

16 An order entered under this Section shall include a  
17 provision requiring the obligor to report to the obligee and  
18 to the clerk of court within 10 days each time the obligor  
19 obtains new employment, and each time the obligor's  
20 employment is terminated for any reason. The report shall be  
21 in writing and shall, in the case of new employment, include  
22 the name and address of the new employer. Failure to report  
23 new employment or the termination of current employment, if  
24 coupled with nonpayment of support for a period in excess of  
25 60 days, is indirect criminal contempt. For any obligor  
26 arrested for failure to report new employment bond shall be  
27 set in the amount of the child support that should have been  
28 paid during the period of unreported employment. An order  
29 entered under this Section shall also include a provision  
30 requiring the obligor and obligee parents to advise each  
31 other of a change in residence within 5 days of the change  
32 except when the court finds that the physical, mental, or  
33 emotional health of a party or that of a minor child, or  
34 both, would be seriously endangered by disclosure of the



1 party's address.

2 The Court shall determine the amount of maintenance using  
3 the standards set forth in Section 504 of the Illinois  
4 Marriage and Dissolution of Marriage Act.

5 Any new or existing support order entered by the court  
6 under this Section shall be deemed to be a series of  
7 judgments against the person obligated to pay support  
8 thereunder, each such judgment to be in the amount of each  
9 payment or installment of support and each such judgment to  
10 be deemed entered as of the date the corresponding payment or  
11 installment becomes due under the terms of the support order.  
12 Each such judgment shall have the full force, effect and  
13 attributes of any other judgment of this State, including the  
14 ability to be enforced. Any such judgment is subject to  
15 modification or termination only in accordance with Section  
16 510 of the Illinois Marriage and Dissolution of Marriage Act.  
17 A lien arises by operation of law against the real and  
18 personal property of the noncustodial parent for each  
19 installment of overdue support owed by the noncustodial  
20 parent.

21 When an order is entered for the support of a minor, the  
22 court may provide therein for reasonable visitation of the  
23 minor by the person or persons who provided support pursuant  
24 to the order. Whoever willfully refuses to comply with such  
25 visitation order or willfully interferes with its enforcement  
26 may be declared in contempt of court and punished therefor.

27 Except where the local governmental unit has entered into  
28 an agreement with the Illinois Department for the Child and  
29 Spouse Support Unit to act for it, as provided in Section  
30 10-3.1, support orders entered by the court in cases  
31 involving applicants or recipients under Article VI shall  
32 provide that payments thereunder be made directly to the  
33 local governmental unit. Orders for the support of all other  
34 applicants or recipients shall provide that payments

1 thereunder be made directly to the Illinois Department. In  
2 accordance with federal law and regulations, the Illinois  
3 Department may continue to collect current maintenance  
4 payments or child support payments, or both, after those  
5 persons cease to receive public assistance and until  
6 termination of services under Article X. The Illinois  
7 Department shall pay the net amount collected to those  
8 persons after deducting any costs incurred in making the  
9 collection or any collection fee from the amount of any  
10 recovery made. In both cases the order shall permit the  
11 local governmental unit or the Illinois Department, as the  
12 case may be, to direct the responsible relative or relatives  
13 to make support payments directly to the needy person, or to  
14 some person or agency in his behalf, upon removal of the  
15 person from the public aid rolls or upon termination of  
16 services under Article X.

17 If the notice of support due issued pursuant to Section  
18 10-7 directs that support payments be made directly to the  
19 needy person, or to some person or agency in his behalf, and  
20 the recipient is removed from the public aid rolls, court  
21 action may be taken against the responsible relative  
22 hereunder if he fails to furnish support in accordance with  
23 the terms of such notice.

24 Actions may also be brought under this Section in behalf  
25 of any person who is in need of support from responsible  
26 relatives, as defined in Section 2-11 of Article II who is  
27 not an applicant for or recipient of financial aid under this  
28 Code. In such instances, the State's Attorney of the county  
29 in which such person resides shall bring action against the  
30 responsible relatives hereunder. If the Illinois Department,  
31 as authorized by Section 10-1, extends the child support  
32 enforcement services provided by this Article to spouses and  
33 dependent children who are not applicants or recipients under  
34 this Code, the Child and Spouse Support Unit established by

1 Section 10-3.1 shall bring action against the responsible  
2 relatives hereunder and any support orders entered by the  
3 court in such cases shall provide that payments thereunder be  
4 made directly to the Illinois Department.

5 Whenever it is determined in a proceeding to establish or  
6 enforce a child support or maintenance obligation that the  
7 person owing a duty of support is unemployed, the court may  
8 order the person to seek employment and report periodically  
9 to the court with a diary, listing or other memorandum of his  
10 or her efforts in accordance with such order. Additionally,  
11 the court may order the unemployed person to report to the  
12 Department of Employment Security for job search services or  
13 to make application with the local Job Training Partnership  
14 Act provider for participation in job search, training or  
15 work programs and where the duty of support is owed to a  
16 child receiving child support enforcement services under this  
17 Article X, the court may order the unemployed person to  
18 report to the Illinois Department for participation in job  
19 search, training or work programs established under Section  
20 9-6 and Article IXA of this Code.

21 Whenever it is determined that a person owes past-due  
22 support for a child receiving assistance under this Code, the  
23 court shall order at the request of the Illinois Department:

24 (1) that the person pay the past-due support in  
25 accordance with a plan approved by the court; or

26 (2) if the person owing past-due support is  
27 unemployed, is subject to such a plan, and is not  
28 incapacitated, that the person participate in such job  
29 search, training, or work programs established under  
30 Section 9-6 and Article IXA of this Code as the court  
31 deems appropriate.

32 A determination under this Section shall not be  
33 administratively reviewable by the procedures specified in  
34 Sections 10-12, and 10-13 to 10-13.10. Any determination

1 under these Sections, if made the basis of court action under  
2 this Section, shall not affect the de novo judicial  
3 determination required under this Section.

4 A one-time charge of 20% is imposable upon the amount of  
5 past-due child support owed on July 1, 1988 which has accrued  
6 under a support order entered by the court. The charge shall  
7 be imposed in accordance with the provisions of Section 10-21  
8 of this Code and shall be enforced by the court upon  
9 petition.

10 All orders for support, when entered or modified, shall  
11 include a provision requiring the non-custodial parent to  
12 notify the court and, in cases in which a party is receiving  
13 child support enforcement services under this Article X, the  
14 Illinois Department, within 7 days, (i) of the name, address,  
15 and telephone number of any new employer of the non-custodial  
16 parent, (ii) whether the non-custodial parent has access to  
17 health insurance coverage through the employer or other group  
18 coverage and, if so, the policy name and number and the names  
19 of persons covered under the policy, and (iii) of any new  
20 residential or mailing address or telephone number of the  
21 non-custodial parent. In any subsequent action to enforce a  
22 support order, upon a sufficient showing that a diligent  
23 effort has been made to ascertain the location of the  
24 non-custodial parent, service of process or provision of  
25 notice necessary in the case may be made at the last known  
26 address of the non-custodial parent in any manner expressly  
27 provided by the Code of Civil Procedure or this Code, which  
28 service shall be sufficient for purposes of due process.

29 An order for support shall include a date on which the  
30 current support obligation terminates. The termination date  
31 shall be no earlier than the date on which the child covered  
32 by the order will attain the age of majority or is otherwise  
33 emancipated. The order for support shall state that the  
34 termination date does not apply to any arrearage that may

1 remain unpaid on that date. Nothing in this paragraph shall  
2 be construed to prevent the court from modifying the order.

3 Upon notification in writing or by electronic  
4 transmission from the Illinois Department to the clerk of the  
5 court that a person who is receiving support payments under  
6 this Section is receiving services under the Child Support  
7 Enforcement Program established by Title IV-D of the Social  
8 Security Act, any support payments subsequently received by  
9 the clerk of the court shall be transmitted in accordance  
10 with the instructions of the Illinois Department until the  
11 Illinois Department gives notice to the clerk of the court to  
12 cease the transmittal. After providing the notification  
13 authorized under this paragraph, the Illinois Department  
14 shall be entitled as a party to notice of any further  
15 proceedings in the case. The clerk of the court shall file a  
16 copy of the Illinois Department's notification in the court  
17 file. The clerk's failure to file a copy of the notification  
18 in the court file shall not, however, affect the Illinois  
19 Department's right to receive notice of further proceedings.

20 Payments under this Section to the Illinois Department  
21 pursuant to the Child Support Enforcement Program established  
22 by Title IV-D of the Social Security Act shall be paid into  
23 the Child Support Enforcement Trust Fund. All payments under  
24 this Section to the Illinois Department of Human Services  
25 shall be deposited in the DHS Recoveries Trust Fund.  
26 Disbursements from these funds shall be as provided in  
27 Sections 12-9.1 and 12-10.2 of this Code. Payments received  
28 by a local governmental unit shall be deposited in that  
29 unit's General Assistance Fund.

30 To the extent the provisions of this Section are  
31 inconsistent with the requirements pertaining to the State  
32 Disbursement Unit under Sections 10-10.4 and 10-26 of this  
33 Code, the requirements pertaining to the State Disbursement  
34 Unit shall apply.

1 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;  
2 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.  
3 6-28-01; 92-590, eff. 7-1-02.)

4 (Text of Section after amendment by P.A. 92-876)

5 Sec. 10-10. Court enforcement; applicability also to  
6 persons who are not applicants or recipients. Except where  
7 the Illinois Department, by agreement, acts for the local  
8 governmental unit, as provided in Section 10-3.1, local  
9 governmental units shall refer to the State's Attorney or to  
10 the proper legal representative of the governmental unit, for  
11 judicial enforcement as herein provided, instances of  
12 non-support or insufficient support when the dependents are  
13 applicants or recipients under Article VI. The Child and  
14 Spouse Support Unit established by Section 10-3.1 may  
15 institute in behalf of the Illinois Department any actions  
16 under this Section for judicial enforcement of the support  
17 liability when the dependents are (a) applicants or  
18 recipients under Articles III, IV, V or VII; (b) applicants  
19 or recipients in a local governmental unit when the Illinois  
20 Department, by agreement, acts for the unit; or (c)  
21 non-applicants or non-recipients who are receiving child  
22 support enforcement services under this Article X, as  
23 provided in Section 10-1. Where the Child and Spouse Support  
24 Unit has exercised its option and discretion not to apply the  
25 provisions of Sections 10-3 through 10-8, the failure by the  
26 Unit to apply such provisions shall not be a bar to bringing  
27 an action under this Section.

28 Action shall be brought in the circuit court to obtain  
29 support, or for the recovery of aid granted during the period  
30 such support was not provided, or both for the obtainment of  
31 support and the recovery of the aid provided. Actions for  
32 the recovery of aid may be taken separately or they may be  
33 consolidated with actions to obtain support. Such actions  
34 may be brought in the name of the person or persons requiring

1 support, or may be brought in the name of the Illinois  
2 Department or the local governmental unit, as the case  
3 requires, in behalf of such persons.

4 The court may enter such orders for the payment of moneys  
5 for the support of the person as may be just and equitable  
6 and may direct payment thereof for such period or periods of  
7 time as the circumstances require, including support for a  
8 period before the date the order for support is entered. The  
9 order may be entered against any or all of the defendant  
10 responsible relatives and may be based upon the proportionate  
11 ability of each to contribute to the person's support.

12 The Court shall determine the amount of child support  
13 (including child support for a period before the date the  
14 order for child support is entered) by using the guidelines  
15 and standards set forth in subsection (a) of Section 505 and  
16 in Section 505.2 of the Illinois Marriage and Dissolution of  
17 Marriage Act. For purposes of determining the amount of child  
18 support to be paid for a period before the date the order for  
19 child support is entered, there is a rebuttable presumption  
20 that the responsible relative's net income for that period  
21 was the same as his or her net income at the time the order  
22 is entered.

23 If (i) the responsible relative was properly served with  
24 a request for discovery of financial information relating to  
25 the responsible relative's ability to provide child support,  
26 (ii) the responsible relative failed to comply with the  
27 request, despite having been ordered to do so by the court,  
28 and (iii) the responsible relative is not present at the  
29 hearing to determine support despite having received proper  
30 notice, then any relevant financial information concerning  
31 the responsible relative's ability to provide child support  
32 that was obtained pursuant to subpoena and proper notice  
33 shall be admitted into evidence without the need to establish  
34 any further foundation for its admission.

1 An order entered under this Section shall include a  
2 provision requiring the obligor to report to the obligee and  
3 to the clerk of court within 10 days each time the obligor  
4 obtains new employment, and each time the obligor's  
5 employment is terminated for any reason. The report shall be  
6 in writing and shall, in the case of new employment, include  
7 the name and address of the new employer. Failure to report  
8 new employment or the termination of current employment, if  
9 coupled with nonpayment of support for a period in excess of  
10 60 days, is indirect criminal contempt. For any obligor  
11 arrested for failure to report new employment bond shall be  
12 set in the amount of the child support that should have been  
13 paid during the period of unreported employment. An order  
14 entered under this Section shall also include a provision  
15 requiring the obligor and obligee parents to advise each  
16 other of a change in residence within 5 days of the change  
17 except when the court finds that the physical, mental, or  
18 emotional health of a party or that of a minor child, or  
19 both, would be seriously endangered by disclosure of the  
20 party's address.

21 The Court shall determine the amount of maintenance using  
22 the standards set forth in Section 504 of the Illinois  
23 Marriage and Dissolution of Marriage Act.

24 Any new or existing support order entered by the court  
25 under this Section shall be deemed to be a series of  
26 judgments against the person obligated to pay support  
27 thereunder, each such judgment to be in the amount of each  
28 payment or installment of support and each such judgment to  
29 be deemed entered as of the date the corresponding payment or  
30 installment becomes due under the terms of the support order.  
31 Each such judgment shall have the full force, effect and  
32 attributes of any other judgment of this State, including the  
33 ability to be enforced. Any such judgment is subject to  
34 modification or termination only in accordance with Section



1 510 of the Illinois Marriage and Dissolution of Marriage Act.  
2 A lien arises by operation of law against the real and  
3 personal property of the noncustodial parent for each  
4 installment of overdue support owed by the noncustodial  
5 parent.

6 When an order is entered for the support of a minor, the  
7 court may provide therein for reasonable visitation of the  
8 minor by the person or persons who provided support pursuant  
9 to the order. Whoever willfully refuses to comply with such  
10 visitation order or willfully interferes with its enforcement  
11 may be declared in contempt of court and punished therefor.

12 Except where the local governmental unit has entered into  
13 an agreement with the Illinois Department for the Child and  
14 Spouse Support Unit to act for it, as provided in Section  
15 10-3.1, support orders entered by the court in cases  
16 involving applicants or recipients under Article VI shall  
17 provide that payments thereunder be made directly to the  
18 local governmental unit. Orders for the support of all other  
19 applicants or recipients shall provide that payments  
20 thereunder be made directly to the Illinois Department. In  
21 accordance with federal law and regulations, the Illinois  
22 Department may continue to collect current maintenance  
23 payments or child support payments, or both, after those  
24 persons cease to receive public assistance and until  
25 termination of services under Article X. The Illinois  
26 Department shall pay the net amount collected to those  
27 persons after deducting any costs incurred in making the  
28 collection or any collection fee from the amount of any  
29 recovery made. In both cases the order shall permit the  
30 local governmental unit or the Illinois Department, as the  
31 case may be, to direct the responsible relative or relatives  
32 to make support payments directly to the needy person, or to  
33 some person or agency in his behalf, upon removal of the  
34 person from the public aid rolls or upon termination of

1 services under Article X.

2 If the notice of support due issued pursuant to Section  
3 10-7 directs that support payments be made directly to the  
4 needy person, or to some person or agency in his behalf, and  
5 the recipient is removed from the public aid rolls, court  
6 action may be taken against the responsible relative  
7 hereunder if he fails to furnish support in accordance with  
8 the terms of such notice.

9 Actions may also be brought under this Section in behalf  
10 of any person who is in need of support from responsible  
11 relatives, as defined in Section 2-11 of Article II who is  
12 not an applicant for or recipient of financial aid under this  
13 Code. In such instances, the State's Attorney of the county  
14 in which such person resides shall bring action against the  
15 responsible relatives hereunder. If the Illinois Department,  
16 as authorized by Section 10-1, extends the child support  
17 enforcement services provided by this Article to spouses and  
18 dependent children who are not applicants or recipients under  
19 this Code, the Child and Spouse Support Unit established by  
20 Section 10-3.1 shall bring action against the responsible  
21 relatives hereunder and any support orders entered by the  
22 court in such cases shall provide that payments thereunder be  
23 made directly to the Illinois Department.

24 Whenever it is determined in a proceeding to establish or  
25 enforce a child support or maintenance obligation that the  
26 person owing a duty of support is unemployed, the court may  
27 order the person to seek employment and report periodically  
28 to the court with a diary, listing or other memorandum of his  
29 or her efforts in accordance with such order. Additionally,  
30 the court may order the unemployed person to report to the  
31 Department of Employment Security for job search services or  
32 to make application with the local Job Training Partnership  
33 Act provider for participation in job search, training or  
34 work programs and where the duty of support is owed to a

1 child receiving child support enforcement services under this  
2 Article X, the court may order the unemployed person to  
3 report to the Illinois Department for participation in job  
4 search, training or work programs established under Section  
5 9-6 and Article IXA of this Code.

6 Whenever it is determined that a person owes past-due  
7 support for a child receiving assistance under this Code, the  
8 court shall order at the request of the Illinois Department:

9 (1) that the person pay the past-due support in  
10 accordance with a plan approved by the court; or

11 (2) if the person owing past-due support is  
12 unemployed, is subject to such a plan, and is not  
13 incapacitated, that the person participate in such job  
14 search, training, or work programs established under  
15 Section 9-6 and Article IXA of this Code as the court  
16 deems appropriate.

17 A determination under this Section shall not be  
18 administratively reviewable by the procedures specified in  
19 Sections 10-12, and 10-13 to 10-13.10. Any determination  
20 under these Sections, if made the basis of court action under  
21 this Section, shall not affect the de novo judicial  
22 determination required under this Section.

23 A one-time charge of 20% is imposable upon the amount of  
24 past-due child support owed on July 1, 1988 which has accrued  
25 under a support order entered by the court. The charge shall  
26 be imposed in accordance with the provisions of Section 10-21  
27 of this Code and shall be enforced by the court upon  
28 petition.

29 All orders for support, when entered or modified, shall  
30 include a provision requiring the non-custodial parent to  
31 notify the court and, in cases in which a party is receiving  
32 child support enforcement services under this Article X, the  
33 Illinois Department, within 7 days, (i) of the name, address,  
34 and telephone number of any new employer of the non-custodial

1 parent, (ii) whether the non-custodial parent has access to  
2 health insurance coverage through the employer or other group  
3 coverage and, if so, the policy name and number and the names  
4 of persons covered under the policy, and (iii) of any new  
5 residential or mailing address or telephone number of the  
6 non-custodial parent. In any subsequent action to enforce a  
7 support order, upon a sufficient showing that a diligent  
8 effort has been made to ascertain the location of the  
9 non-custodial parent, service of process or provision of  
10 notice necessary in the case may be made at the last known  
11 address of the non-custodial parent in any manner expressly  
12 provided by the Code of Civil Procedure or this Code, which  
13 service shall be sufficient for purposes of due process.

14 An order for support shall include a date on which the  
15 current support obligation terminates. The termination date  
16 shall be no earlier than the date on which the child covered  
17 by the order will attain the age of 18. However, if the  
18 child will not graduate from high school until after  
19 attaining the age of 18, then the termination date shall be  
20 no earlier than the earlier of the date on which the child's  
21 high school graduation will occur or the date on which the  
22 child will attain the age of 19. The order for support shall  
23 state that the termination date does not apply to any  
24 arrearage that may remain unpaid on that date. Nothing in  
25 this paragraph shall be construed to prevent the court from  
26 modifying the order or terminating the order in the event the  
27 child is otherwise emancipated.

28 Upon notification in writing or by electronic  
29 transmission from the Illinois Department to the clerk of the  
30 court that a person who is receiving support payments under  
31 this Section is receiving services under the Child Support  
32 Enforcement Program established by Title IV-D of the Social  
33 Security Act, any support payments subsequently received by  
34 the clerk of the court shall be transmitted in accordance

1 with the instructions of the Illinois Department until the  
2 Illinois Department gives notice to the clerk of the court to  
3 cease the transmittal. After providing the notification  
4 authorized under this paragraph, the Illinois Department  
5 shall be entitled as a party to notice of any further  
6 proceedings in the case. The clerk of the court shall file a  
7 copy of the Illinois Department's notification in the court  
8 file. The clerk's failure to file a copy of the notification  
9 in the court file shall not, however, affect the Illinois  
10 Department's right to receive notice of further proceedings.

11 Payments under this Section to the Illinois Department  
12 pursuant to the Child Support Enforcement Program established  
13 by Title IV-D of the Social Security Act shall be paid into  
14 the Child Support Enforcement Trust Fund. All payments under  
15 this Section to the Illinois Department of Human Services  
16 shall be deposited in the DHS Recoveries Trust Fund.  
17 Disbursements from these funds shall be as provided in  
18 Sections 12-9.1 and 12-10.2 of this Code. Payments received  
19 by a local governmental unit shall be deposited in that  
20 unit's General Assistance Fund.

21 To the extent the provisions of this Section are  
22 inconsistent with the requirements pertaining to the State  
23 Disbursement Unit under Sections 10-10.4 and 10-26 of this  
24 Code, the requirements pertaining to the State Disbursement  
25 Unit shall apply.

26 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;  
27 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.  
28 6-28-01; 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; revised  
29 1-14-03.)

30 (305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

31 (Text of Section before amendment by P.A. 92-876)

32 Sec. 10-11. Administrative Orders. In lieu of actions  
33 for court enforcement of support under Section 10-10, the

1 Child and Spouse Support Unit of the Illinois Department, in  
2 accordance with the rules of the Illinois Department, may  
3 issue an administrative order requiring the responsible  
4 relative to comply with the terms of the determination and  
5 notice of support due, determined and issued under Sections  
6 10-6 and 10-7. The Unit may also enter an administrative  
7 order under subsection (b) of Section 10-7. The  
8 administrative order shall be served upon the responsible  
9 relative by United States registered or certified mail. In  
10 cases in which the responsible relative appeared at the  
11 office of the Child and Spouse Support Unit in response to  
12 the notice of support obligation issued under Section 10-4,  
13 however, or in cases of default in which the notice was  
14 served on the responsible relative by certified mail, return  
15 receipt requested, or by any method provided by law for  
16 service of summons, the administrative determination of  
17 paternity or administrative support order may be sent to the  
18 responsible relative by ordinary mail addressed to the  
19 responsible relative's last known address.

20 If a responsible relative or a person receiving child  
21 support enforcement services under this Article fails to  
22 petition the Illinois Department for release from or  
23 modification of the administrative order, as provided in  
24 Section 10-12 or Section 10-12.1, the order shall become  
25 final and there shall be no further administrative or  
26 judicial remedy. Likewise a decision by the Illinois  
27 Department as a result of an administrative hearing, as  
28 provided in Sections 10-13 to 10-13.10, shall become final  
29 and enforceable if not judicially reviewed under the  
30 Administrative Review Law, as provided in Section 10-14.

31 Any new or existing support order entered by the Illinois  
32 Department under this Section shall be deemed to be a series  
33 of judgments against the person obligated to pay support  
34 thereunder, each such judgment to be in the amount of each

1 payment or installment of support and each such judgment to  
2 be deemed entered as of the date the corresponding payment or  
3 installment becomes due under the terms of the support order.  
4 Each such judgment shall have the full force, effect and  
5 attributes of any other judgment of this State, including the  
6 ability to be enforced. Any such judgment is subject to  
7 modification or termination only in accordance with Section  
8 510 of the Illinois Marriage and Dissolution of Marriage Act.  
9 A lien arises by operation of law against the real and  
10 personal property of the noncustodial parent for each  
11 installment of overdue support owed by the noncustodial  
12 parent.

13 An order entered under this Section shall include a  
14 provision requiring the obligor to report to the obligee and  
15 to the clerk of court within 10 days each time the obligor  
16 obtains new employment, and each time the obligor's  
17 employment is terminated for any reason. The report shall be  
18 in writing and shall, in the case of new employment, include  
19 the name and address of the new employer. Failure to report  
20 new employment or the termination of current employment, if  
21 coupled with nonpayment of support for a period in excess of  
22 60 days, is indirect criminal contempt. For any obligor  
23 arrested for failure to report new employment bond shall be  
24 set in the amount of the child support that should have been  
25 paid during the period of unreported employment. An order  
26 entered under this Section shall also include a provision  
27 requiring the obligor and obligee parents to advise each  
28 other of a change in residence within 5 days of the change  
29 except when the court finds that the physical, mental, or  
30 emotional health of a party or that of a minor child, or  
31 both, would be seriously endangered by disclosure of the  
32 party's address.

33 A one-time charge of 20% is imposable upon the amount of  
34 past-due child support owed on July 1, 1988, which has

1 accrued under a support order entered by the Illinois  
2 Department under this Section. The charge shall be imposed  
3 in accordance with the provisions of Section 10-21 and shall  
4 be enforced by the court in a suit filed under Section 10-15.  
5 (Source: P.A. 91-212, eff. 7-20-99; 92-590, eff. 7-1-02.)

6 (Text of Section after amendment by P.A. 92-876)

7 Sec. 10-11. Administrative Orders. In lieu of actions  
8 for court enforcement of support under Section 10-10, the  
9 Child and Spouse Support Unit of the Illinois Department, in  
10 accordance with the rules of the Illinois Department, may  
11 issue an administrative order requiring the responsible  
12 relative to comply with the terms of the determination and  
13 notice of support due, determined and issued under Sections  
14 10-6 and 10-7. The Unit may also enter an administrative  
15 order under subsection (b) of Section 10-7. The  
16 administrative order shall be served upon the responsible  
17 relative by United States registered or certified mail. In  
18 cases in which the responsible relative appeared at the  
19 office of the Child and Spouse Support Unit in response to  
20 the notice of support obligation issued under Section 10-4,  
21 however, or in cases of default in which the notice was  
22 served on the responsible relative by certified mail, return  
23 receipt requested, or by any method provided by law for  
24 service of summons, the administrative determination of  
25 paternity or administrative support order may be sent to the  
26 responsible relative by ordinary mail addressed to the  
27 responsible relative's last known address.

28 If a responsible relative or a person receiving child  
29 support enforcement services under this Article fails to  
30 petition the Illinois Department for release from or  
31 modification of the administrative order, as provided in  
32 Section 10-12 or Section 10-12.1, the order shall become  
33 final and there shall be no further administrative or  
34 judicial remedy. Likewise a decision by the Illinois



1 Department as a result of an administrative hearing, as  
2 provided in Sections 10-13 to 10-13.10, shall become final  
3 and enforceable if not judicially reviewed under the  
4 Administrative Review Law, as provided in Section 10-14.

5 Any new or existing support order entered by the Illinois  
6 Department under this Section shall be deemed to be a series  
7 of judgments against the person obligated to pay support  
8 thereunder, each such judgment to be in the amount of each  
9 payment or installment of support and each such judgment to  
10 be deemed entered as of the date the corresponding payment or  
11 installment becomes due under the terms of the support order.  
12 Each such judgment shall have the full force, effect and  
13 attributes of any other judgment of this State, including the  
14 ability to be enforced. Any such judgment is subject to  
15 modification or termination only in accordance with Section  
16 510 of the Illinois Marriage and Dissolution of Marriage Act.  
17 A lien arises by operation of law against the real and  
18 personal property of the noncustodial parent for each  
19 installment of overdue support owed by the noncustodial  
20 parent.

21 An order entered under this Section shall include a  
22 provision requiring the obligor to report to the obligee and  
23 to the clerk of court within 10 days each time the obligor  
24 obtains new employment, and each time the obligor's  
25 employment is terminated for any reason. The report shall be  
26 in writing and shall, in the case of new employment, include  
27 the name and address of the new employer. Failure to report  
28 new employment or the termination of current employment, if  
29 coupled with nonpayment of support for a period in excess of  
30 60 days, is indirect criminal contempt. For any obligor  
31 arrested for failure to report new employment bond shall be  
32 set in the amount of the child support that should have been  
33 paid during the period of unreported employment. An order  
34 entered under this Section shall also include a provision

1 requiring the obligor and obligee parents to advise each  
2 other of a change in residence within 5 days of the change  
3 except when the court finds that the physical, mental, or  
4 emotional health of a party or that of a minor child, or  
5 both, would be seriously endangered by disclosure of the  
6 party's address.

7 A one-time charge of 20% is imposable upon the amount of  
8 past-due child support owed on July 1, 1988, which has  
9 accrued under a support order entered by the Illinois  
10 Department under this Section. The charge shall be imposed  
11 in accordance with the provisions of Section 10-21 and shall  
12 be enforced by the court in a suit filed under Section 10-15.

13 An order for support shall include a date on which the  
14 support obligation terminates. The termination date shall be  
15 no earlier than the date on which the child covered by the  
16 order will attain the age of 18. However, if the child will  
17 not graduate from high school until after attaining the age  
18 of 18, then the termination date shall be no earlier than the  
19 earlier of the date that the child's graduation will occur or  
20 the date on which the child will attain the age of 19. The  
21 order for support shall state that the termination date does  
22 not apply to any arrearage that may remain unpaid on that  
23 date. Nothing in this paragraph shall be construed to  
24 prevent the Illinois Department from modifying the order or  
25 terminating the order in the event the child is otherwise  
26 emancipated.

27 (Source: P.A. 91-212, eff. 7-20-99; 92-590, eff. 7-1-02;  
28 92-876, eff. 6-1-03; revised 1-14-03.)

29 (305 ILCS 5/12-13.05)

30 Sec. 12-13.05. Rules for Temporary Assistance for Needy  
31 Families. All rules regulating the Temporary Assistance for  
32 Needy Families program and all other rules regulating the  
33 amendatory changes to this Code made by this amendatory Act

1 of 1997 shall be promulgated pursuant to this Section. All  
2 rules regulating the Temporary Assistance for Needy Families  
3 program and all other rules regulating the amendatory changes  
4 to this Code made by this amendatory Act of 1997 are repealed  
5 on July 1, 2006. On and after July 1, 2006, the Illinois  
6 Department may not promulgate any rules regulating the  
7 Temporary Assistance for Needy Families program or regulating  
8 the amendatory changes to this Code made by this amendatory  
9 Act of 1997.

10 (Source: P.A. 91-5, eff. 5-27-99; 92-111, eff. 1-1-02;  
11 92-597, eff. 6-28-02; revised 11-06-02.)

12 Section 43. The Lead Poisoning Prevention Act is amended  
13 by changing Section 14 as follows:

14 (410 ILCS 45/14) (from Ch. 111 1/2, par. 1314)

15 Sec. 14. Departmental regulations and activities. The  
16 Department shall establish and publish regulations and  
17 guidelines governing permissible limits of lead in and about  
18 residential buildings and dwellings.

19 The Department shall also initiate activities that:

20 (a) Will either provide for or support the monitoring  
21 and validation of all medical laboratories and private and  
22 public hospitals that perform lead determination tests on  
23 human blood or other tissues.;

24 (b) Will, subject to Section 7.2 of this Act, provide  
25 laboratory testing of blood specimens for lead content, to  
26 any physician, hospital, clinic, free clinic, municipality,  
27 or private organization ~~organizations~~ that cannot secure or  
28 provide the services through other sources. The Department  
29 shall not assume responsibility for blood lead analysis  
30 required in programs currently in operation.;

31 (c) Will develop or encourage the development of  
32 appropriate programs and studies to identify sources of lead

1 intoxication and assist other entities in the identification  
2 of lead in children's blood and the sources of that  
3 intoxication.

4 (d) May provide technical assistance and consultation to  
5 local, county, or regional governmental or private agencies  
6 for the promotion and development of lead poisoning  
7 prevention programs.

8 (e) Will provide recommendations by the Department on  
9 the subject of identification and treatment of ~~for~~ lead  
10 poisoning.

11 (f) Will maintain a clearinghouse of information, and  
12 will develop additional educational materials, on (i) lead  
13 hazards to children, (ii) lead poisoning prevention, (iii)  
14 lead poisoning screening, (iv) lead mitigation, abatement,  
15 and disposal, and (v) on health hazards during abatement.  
16 The Department shall make this information available to the  
17 general public.

18 (Source: P.A. 87-175; 87-1144; revised 1-20-03.)

19 Section 44. The Environmental Protection Act is amended  
20 by changing Sections 57.2, 57.7, 57.8, 57.10, 57.13, and 58.7  
21 as follows:

22 (415 ILCS 5/57.2)

23 Sec. 57.2. Definitions. As used in this Title:

24 "Audit" means a systematic inspection or examination of  
25 plans, reports, records, or documents to determine the  
26 completeness and accuracy of the data and conclusions  
27 contained therein.

28 "Bodily injury" means bodily injury, sickness, or disease  
29 sustained by a person, including death at any time, resulting  
30 from a release of petroleum from an underground storage tank.

31 "Release" means any spilling, leaking, emitting,  
32 discharging, escaping, leaching or disposing of petroleum

1 from an underground storage tank into groundwater, surface  
2 water or subsurface soils.

3 "Fill material" means non-native or disturbed materials  
4 used to bed and backfill around an underground storage tank.

5 "Fund" means the Underground Storage Tank Fund.

6 "Heating Oil" means petroleum that is No. 1, No. 2, No. 4  
7 - light, No. 4 - heavy, No. 5 - light, No. 5 - heavy or No. 6  
8 technical grades of fuel oil; and other residual fuel oils  
9 including Navy Special Fuel Oil and Bunker C.

10 "Indemnification" means indemnification of an owner or  
11 operator for the amount of any judgment entered against the  
12 owner or operator in a court of law, for the amount of any  
13 final order or determination made against the owner or  
14 operator by an agency of State government or any subdivision  
15 thereof, or for the amount of any settlement entered into by  
16 the owner or operator, if the judgment, order, determination,  
17 or settlement arises out of bodily injury or property damage  
18 suffered as a result of a release of petroleum from an  
19 underground storage tank owned or operated by the owner or  
20 operator.

21 "Corrective action" means activities associated with  
22 compliance with the provisions of Sections 57.6 and 57.7 of  
23 this Title.

24 "Occurrence" means an accident, including continuous or  
25 repeated exposure to conditions, that results in a sudden or  
26 nonsudden release from an underground storage tank.

27 When used in connection with, or when otherwise relating  
28 to, underground storage tanks, the terms "facility", "owner",  
29 "operator", "underground storage tank", "(UST)", "petroleum"  
30 and "regulated substance" shall have the meanings ascribed to  
31 them in Subtitle I of the Hazardous and Solid Waste  
32 Amendments of 1984 (P.L. 98-616), of the Resource  
33 Conservation and Recovery Act of 1976 (P.L. 94-580); provided  
34 however that the term "underground storage tank" shall also

1 mean an underground storage tank used exclusively to store  
2 heating oil for consumptive use on the premises where stored  
3 and which serves other than a farm or residential unit.

4 "Licensed Professional Engineer" means a person,  
5 corporation, or partnership licensed under the laws of the  
6 State of Illinois to practice professional engineering.

7 "Licensed Professional Geologist" means a person licensed  
8 under the laws of the State of Illinois to practice as a  
9 professional geologist.

10 "Site" means any single location, place, tract of land or  
11 parcel of property including contiguous property not  
12 separated by a public right-of-way.

13 "Site investigation" means activities associated with  
14 compliance with the provisions of subsection (a) of Section  
15 57.7.

16 "Property damage" means physical injury to, destruction  
17 of, or contamination of tangible property, including all  
18 resulting loss of use of that property; or loss of use of  
19 tangible property that is not physically injured, destroyed,  
20 or contaminated, but has been evacuated, withdrawn from use,  
21 or rendered inaccessible because of a release of petroleum  
22 from an underground storage tank.

23 "Class I Groundwater" means groundwater that meets the  
24 Class I: Potable Resource Groundwater criteria set forth in  
25 the Board regulations adopted pursuant to the Illinois  
26 Groundwater Protection Act.

27 "Class III Groundwater" means groundwater that meets the  
28 Class III: Special Resource Groundwater criteria set forth  
29 in the Board regulations adopted pursuant to the Illinois  
30 Groundwater Protection Act.

31 (Source: P.A. 92-554, eff. 6-24-02; 92-735, eff. 7-25-02;  
32 revised 9-9-02.)

33 (415 ILCS 5/57.7)

1           Sec. 57.7. Leaking underground storage tanks; site  
2 investigation and corrective action.

3           (a) Site investigation.

4                 (1) For any site investigation activities required  
5 by statute or rule, the owner or operator shall submit to  
6 the Agency for approval a site investigation plan  
7 designed to determine the nature, concentration,  
8 direction of movement, rate of movement, and extent of  
9 the contamination as well as the significant physical  
10 features of the site and surrounding area that may affect  
11 contaminant transport and risk to human health and safety  
12 and the environment.

13                 (2) Any owner or operator intending to seek payment  
14 from the Fund shall submit to the Agency for approval a  
15 site investigation budget that includes, but is not  
16 limited to, an accounting of all costs associated with  
17 the implementation and completion of the site  
18 investigation plan.

19                 (3) Remediation objectives for the applicable  
20 indicator contaminants shall be determined using the  
21 tiered approach to corrective action objectives rules  
22 adopted by the Board pursuant to this Title and Title  
23 XVII of this Act. For the purposes of this Title,  
24 "Contaminant of Concern" or "Regulated Substance of  
25 Concern" in the rules means the applicable indicator  
26 contaminants set forth in subsection (d) of this Section  
27 and the rules adopted thereunder.

28                 (4) Upon the Agency's approval of a site  
29 investigation plan, or as otherwise directed by the  
30 Agency, the owner or operator shall conduct a site  
31 investigation in accordance with the plan.

32                 (5) Within 30 days after completing the site  
33 investigation, the owner or operator shall submit to the  
34 Agency for approval a site investigation completion

1 report. At a minimum the report shall include all of the  
2 following:

3 (A) Executive summary.

4 (B) Site history.

5 (C) Site-specific sampling methods and  
6 results.

7 (D) Documentation of all field activities,  
8 including quality assurance.

9 (E) Documentation regarding the development of  
10 proposed remediation objectives.

11 (F) Interpretation of results.

12 (G) Conclusions.

13 (b) Corrective action.

14 (1) If the site investigation confirms none of the  
15 applicable indicator contaminants exceed the proposed  
16 remediation objectives, within 30 days after completing  
17 the site investigation the owner or operator shall submit  
18 to the Agency for approval a corrective action completion  
19 report in accordance with this Section.

20 (2) If any of the applicable indicator contaminants  
21 exceed the remediation objectives approved for the site,  
22 within 30 days after the Agency approves the site  
23 investigation completion report the owner or operator  
24 shall submit to the Agency for approval a corrective  
25 action plan designed to mitigate any threat to human  
26 health, human safety, or the environment resulting from  
27 the underground storage tank release. The plan shall  
28 describe the selected remedy and evaluate its ability and  
29 effectiveness to achieve the remediation objectives  
30 approved for the site. At a minimum, the report shall  
31 include all of the following:

32 (A) Executive summary.

33 (B) Statement of remediation objectives.

34 (C) Remedial technologies selected.



1 (D) Confirmation sampling plan.

2 (E) Current and projected future use of the  
3 property.

4 (F) Applicable preventive, engineering, and  
5 institutional controls including long-term  
6 reliability, operating, and maintenance plans, and  
7 monitoring procedures.

8 (G) A schedule for implementation and  
9 completion of the plan.

10 (3) Any owner or operator intending to seek payment  
11 from the Fund shall submit to the Agency for approval a  
12 corrective action budget that includes, but is not  
13 limited to, an accounting of all costs associated with  
14 the implementation and completion of the corrective  
15 action plan.

16 (4) Upon the Agency's approval of a corrective  
17 action plan, or as otherwise directed by the Agency, the  
18 owner or operator shall proceed with corrective action in  
19 accordance with the plan.

20 (5) Within 30 days after the completion of a  
21 corrective action plan that achieves applicable  
22 remediation objectives the owner or operator shall submit  
23 to the Agency for approval a corrective action completion  
24 report. The report shall demonstrate whether corrective  
25 action was completed in accordance with the approved  
26 corrective action plan and whether the remediation  
27 objectives approved for the site, as well as any other  
28 requirements of the plan, have been achieved.

29 (6) If within 4 years after the approval of any  
30 corrective action plan the applicable remediation  
31 objectives have not been achieved and the owner or  
32 operator has not submitted a corrective action completion  
33 report, the owner or operator must submit a status report  
34 for Agency review. The status report must include, but

1 is not limited to, a description of the remediation  
2 activities taken to date, the effectiveness of the method  
3 of remediation being used, the likelihood of meeting the  
4 applicable remediation objectives using the current  
5 method of remediation, and the date the applicable  
6 remediation objectives are expected to be achieved.

7 (7) If the Agency determines any approved  
8 corrective action plan will not achieve applicable  
9 remediation objectives within a reasonable time, based  
10 upon the method of remediation and site specific  
11 circumstances, the Agency may require the owner or  
12 operator to submit to the Agency for approval a revised  
13 corrective action plan. If the owner or operator intends  
14 to seek payment from the Fund, the owner or operator must  
15 also submit a revised budget.

16 ~~er-Licensed-Professional-Geologist or--Licensed--Professional~~  
17 ~~Geologist or--Licensed--Professional--Geologist or-Licensed~~  
18 ~~Professional-Geologist or-Licensed-Professional-Geologist or~~  
19 ~~Licensed--Professional--Geologist or--Licensed--Professional~~  
20 ~~Geologist or--Licensed--Professional--Geologist or-Licensed~~  
21 ~~Professional-Geologist or-Licensed-Professional-Geologist~~

22 (c) Agency review and approval.

23 (1) Agency approval of any plan and associated  
24 budget, as described in this subsection (c), shall be  
25 considered final approval for purposes of seeking and  
26 obtaining payment from the Underground Storage Tank Fund  
27 if the costs associated with the completion of any such  
28 plan are less than or equal to the amounts approved in  
29 such budget.

30 (2) In the event the Agency fails to approve,  
31 disapprove, or modify any plan or report submitted  
32 pursuant to this Title in writing within 120 days of the  
33 receipt by the Agency, the plan or report shall be  
34 considered to be rejected by operation of law for

1 purposes of this Title and rejected for purposes of  
2 payment from the Underground Storage Tank Fund.

3 (A) For purposes of those plans as identified  
4 in paragraph (5) of this subsection (c), the  
5 Agency's review may be an audit procedure. Such  
6 review or audit shall be consistent with the  
7 procedure for such review or audit as promulgated by  
8 the Board under Section 57.14. The Agency has the  
9 authority to establish an auditing program to verify  
10 compliance of such plans with the provisions of this  
11 Title.

12 (B) For purposes of corrective action plans  
13 submitted pursuant to subsection (b) of this Section  
14 for which payment from the Fund is not being sought,  
15 the Agency need not take action on such plan until  
16 120 days after it receives the corrective action  
17 completion report required under subsection (b) of  
18 this Section. In the event the Agency approved the  
19 plan, it shall proceed under the provisions of this  
20 subsection (c).

21 (3) In approving any plan submitted pursuant to  
22 subsection (a) or (b) of this Section, the Agency shall  
23 determine, by a procedure promulgated by the Board under  
24 Section 57.14, that the costs associated with the plan  
25 are reasonable, will be incurred in the performance of  
26 site investigation or corrective action, and will not be  
27 used for site investigation or corrective action  
28 activities in excess of those required to meet the  
29 minimum requirements of this Title.

30 (4) For any plan or report received after June 24,  
31 ~~September--13,~~ 2002, any action by the Agency to  
32 disapprove or modify a plan submitted pursuant to this  
33 Title shall be provided to the owner or operator in  
34 writing within 120 days of the receipt by the Agency or,

1 in the case of a site investigation plan or corrective  
2 action plan for which payment is not being sought, within  
3 120 days of receipt of the site investigation completion  
4 report or corrective action completion report,  
5 respectively, and shall be accompanied by:

6 (A) an explanation of the Sections of this Act  
7 which may be violated if the plans were approved;

8 (B) an explanation of the provisions of the  
9 regulations, promulgated under this Act, which may  
10 be violated if the plan were approved;

11 (C) an explanation of the specific type of  
12 information, if any, which the Agency deems the  
13 applicant did not provide the Agency; and

14 (D) a statement of specific reasons why the  
15 Act and the regulations might not be met if the plan  
16 were approved.

17 Any action by the Agency to disapprove or modify a  
18 plan or report or the rejection of any plan or report by  
19 operation of law shall be subject to appeal to the Board  
20 in accordance with the procedures of Section 40. If the  
21 owner or operator elects to incorporate modifications  
22 required by the Agency rather than appeal, an amended  
23 plan shall be submitted to the Agency within 35 days of  
24 receipt of the Agency's written notification.

25 (5) For purposes of this Title, the term "plan"  
26 shall include:

27 (A) Any site investigation plan submitted  
28 pursuant to subsection (a) of this Section;

29 (B) Any site investigation budget submitted  
30 pursuant to subsection (a) of this Section;

31 (C) Any corrective action plan submitted  
32 pursuant to subsection (b) of this Section; or

33 (D) Any corrective action plan budget  
34 submitted pursuant to subsection (b) of this

1 Section.

2 (d) For purposes of this Title, the term "indicator  
3 contaminant" shall mean, unless and until the Board  
4 promulgates regulations to the contrary, the following: (i)  
5 if an underground storage tank contains gasoline, the  
6 indicator parameter shall be BTEX and Benzene; (ii) if the  
7 tank contained petroleum products consisting of middle  
8 distillate or heavy ends, then the indicator parameter shall  
9 be determined by a scan of PNA's taken from the location  
10 where contamination is most likely to be present; and (iii)  
11 if the tank contained used oil, then the indicator  
12 contaminant shall be those chemical constituents which  
13 indicate the type of petroleum stored in an underground  
14 storage tank. All references in this Title to groundwater  
15 objectives shall mean Class I groundwater standards or  
16 objectives as applicable.

17 (e) (1) Notwithstanding the provisions of this Section,  
18 an owner or operator may proceed to conduct site  
19 investigation or corrective action prior to the submittal  
20 or approval of an otherwise required plan. If the owner  
21 or operator elects to so proceed, an applicable plan  
22 shall be filed with the Agency at any time. Such plan  
23 shall detail the steps taken to determine the type of  
24 site investigation or corrective action which was  
25 necessary at the site along with the site investigation  
26 or corrective action taken or to be taken, in addition to  
27 costs associated with activities to date and anticipated  
28 costs.

29 (2) Upon receipt of a plan submitted after  
30 activities have commenced at a site, the Agency shall  
31 proceed to review in the same manner as required under  
32 this Title. In the event the Agency disapproves all or  
33 part of the costs, the owner or operator may appeal such  
34 decision to the Board. The owner or operator shall not

1 be eligible to be reimbursed for such disapproved costs  
2 unless and until the Board determines that such costs  
3 were eligible for payment.

4 (f) All investigations, plans, and reports conducted or  
5 prepared under this Section shall be conducted or prepared  
6 under the supervision of a licensed professional engineer and  
7 in accordance with the requirements of this Title.

8 (Source: P.A. 92-554, eff. 6-24-02; 92-574, eff. 6-26-02;  
9 92-651, eff. 7-11-02; 92-735, eff. 7-25-02; revised 10-3-02.)

10 (415 ILCS 5/57.8)

11 Sec. 57.8. Underground Storage Tank Fund; payment;  
12 options for State payment; deferred correction election to  
13 commence corrective action upon availability of funds. If an  
14 owner or operator is eligible to access the Underground  
15 Storage Tank Fund pursuant to an Office of State Fire Marshal  
16 eligibility/deductible final determination letter issued in  
17 accordance with Section 57.9, the owner or operator may  
18 submit a complete application for final or partial payment to  
19 the Agency for activities taken in response to a confirmed  
20 release. An owner or operator may submit a request for  
21 partial or final payment regarding a site no more frequently  
22 than once every 90 days.

23 (a) Payment after completion of corrective action  
24 measures. The owner or operator may submit an application for  
25 payment for activities performed at a site after completion  
26 of the requirements of Sections 57.6 and 57.7, or after  
27 completion of any other required activities at the  
28 underground storage tank site.

29 (1) In the case of any approved plan and budget for  
30 which payment is being sought, the Agency shall make a  
31 payment determination within 120 days of receipt of the  
32 application. Such determination shall be considered a  
33 final decision. The Agency's review shall be limited to

1 generally accepted auditing and accounting practices. In  
2 no case shall the Agency conduct additional review of any  
3 plan which was completed within the budget, beyond  
4 auditing for adherence to the corrective action measures  
5 in the proposal. If the Agency fails to approve the  
6 payment application within 120 days, such application  
7 shall be deemed approved by operation of law and the  
8 Agency shall proceed to reimburse the owner or operator  
9 the amount requested in the payment application.  
10 However, in no event shall the Agency reimburse the owner  
11 or operator an amount greater than the amount approved in  
12 the plan.

13 (2) If sufficient funds are available in the  
14 Underground Storage Tank Fund, the Agency shall, within  
15 60 days, forward to the Office of the State Comptroller a  
16 voucher in the amount approved under the payment  
17 application.

18 (3) In the case of insufficient funds, the Agency  
19 shall form a priority list for payment and shall notify  
20 persons in such priority list monthly of the availability  
21 of funds and when payment shall be made. Payment shall  
22 be made to the owner or operator at such time as  
23 sufficient funds become available for the costs  
24 associated with site investigation and corrective action  
25 and costs expended for activities performed where no  
26 proposal is required, if applicable. Such priority list  
27 shall be available to any owner or operator upon request.  
28 Priority for payment shall be determined by the date the  
29 Agency receives a complete request for partial or final  
30 payment. Upon receipt of notification from the Agency  
31 that the requirements of this Title have been met, the  
32 Comptroller shall make payment to the owner or operator  
33 of the amount approved by the Agency, if sufficient money  
34 exists in the Fund. If there is insufficient money in

1 the Fund, then payment shall not be made. If the owner  
2 or operator appeals a final Agency payment determination  
3 and it is determined that the owner or operator is  
4 eligible for payment or additional payment, the priority  
5 date for the payment or additional payment shall be the  
6 same as the priority date assigned to the original  
7 request for partial or final payment.

8 (4) Any deductible, as determined pursuant to the  
9 Office of the State Fire Marshal's eligibility and  
10 deductibility final determination in accordance with  
11 Section 57.9, shall be subtracted from any payment  
12 invoice paid to an eligible owner or operator. Only one  
13 deductible shall apply per underground storage tank site.

14 (5) In the event that costs are or will be incurred  
15 in addition to those approved by the Agency, or after  
16 payment, the owner or operator may submit successive  
17 plans containing amended budgets. The requirements of  
18 Section 57.7 shall apply to any amended plans.

19 (6) For purposes of this Section, a complete  
20 application shall consist of:

21 (A) A certification from a Licensed  
22 Professional Engineer or Licensed Professional  
23 Geologist as required under this Title and  
24 acknowledged by the owner or operator.

25 (B) A statement of the amounts approved in the  
26 budget and the amounts actually sought for payment  
27 along with a certified statement by the owner or  
28 operator that the amounts so sought were expended in  
29 conformance with the approved budget.

30 (C) A copy of the Office of the State Fire  
31 Marshal's eligibility and deductibility  
32 determination.

33 (D) Proof that approval of the payment  
34 requested will not result in the limitations set



1           forth in subsection (g) of this Section being  
2           exceeded.

3           (E) A federal taxpayer identification number  
4           and legal status disclosure certification on a form  
5           prescribed and provided by the Agency.

6           (b) Commencement of site investigation or corrective  
7           action upon availability of funds. The Board shall adopt  
8           regulations setting forth procedures based on risk to human  
9           health or the environment under which the owner or operator  
10          who has received approval for any budget plan submitted  
11          pursuant to Section 57.7, and who is eligible for payment  
12          from the Underground Storage Tank Fund pursuant to an Office  
13          of the State Fire Marshal eligibility and deductibility  
14          determination, may elect to defer site investigation or  
15          corrective action activities until funds are available in an  
16          amount equal to the amount approved in the budget. The  
17          regulations shall establish criteria based on risk to human  
18          health or the environment to be used for determining on a  
19          site-by-site basis whether deferral is appropriate. The  
20          regulations also shall establish the minimum investigatory  
21          requirements for determining whether the risk based criteria  
22          are present at a site considering deferral and procedures for  
23          the notification of owners or operators of insufficient  
24          funds, Agency review of request for deferral, notification of  
25          Agency final decisions, returning deferred sites to active  
26          status, and earmarking of funds for payment.

27          (c) When the owner or operator requests indemnification  
28          for payment of costs incurred as a result of a release of  
29          petroleum from an underground storage tank, if the owner or  
30          operator has satisfied the requirements of subsection (a) of  
31          this Section, the Agency shall forward a copy of the request  
32          to the Attorney General. The Attorney General shall review  
33          and approve the request for indemnification if:

34               (1) there is a legally enforceable judgment entered

1 against the owner or operator and such judgment was  
2 entered due to harm caused by a release of petroleum from  
3 an underground storage tank and such judgment was not  
4 entered as a result of fraud; or

5 (2) a settlement with a third party due to a  
6 release of petroleum from an underground storage tank is  
7 reasonable.

8 (d) Notwithstanding any other provision of this Title,  
9 the Agency shall not approve payment to an owner or operator  
10 from the Fund for costs of corrective action or  
11 indemnification incurred during a calendar year in excess of  
12 the following aggregate amounts based on the number of  
13 petroleum underground storage tanks owned or operated by such  
14 owner or operator in Illinois.

15 Amount	Number of Tanks
16 \$2,000,000.....	fewer than 101
17 \$3,000,000.....	101 or more

18 (1) Costs incurred in excess of the aggregate  
19 amounts set forth in paragraph (1) of this subsection  
20 shall not be eligible for payment in subsequent years.

21 (2) For purposes of this subsection, requests  
22 submitted by any of the agencies, departments, boards,  
23 committees or commissions of the State of Illinois shall  
24 be acted upon as claims from a single owner or operator.

25 (3) For purposes of this subsection, owner or  
26 operator includes (i) any subsidiary, parent, or joint  
27 stock company of the owner or operator and (ii) any  
28 company owned by any parent, subsidiary, or joint stock  
29 company of the owner or operator.

30 (e) Costs of corrective action or indemnification  
31 incurred by an owner or operator which have been paid to an  
32 owner or operator under a policy of insurance, another  
33 written agreement, or a court order are not eligible for  
34 payment under this Section. An owner or operator who

1 receives payment under a policy of insurance, another written  
2 agreement, or a court order shall reimburse the State to the  
3 extent such payment covers costs for which payment was  
4 received from the Fund. Any monies received by the State  
5 under this subsection (e) shall be deposited into the Fund.

6 (f) (Blank.)

7 (g) The Agency shall not approve any payment from the  
8 Fund to pay an owner or operator:

9 (1) for costs of corrective action incurred by such  
10 owner or operator in an amount in excess of \$1,500,000  
11 per occurrence; and

12 (2) for costs of indemnification of such owner or  
13 operator in an amount in excess of \$1,500,000 per  
14 occurrence.

15 (h) Payment of any amount from the Fund for corrective  
16 action or indemnification shall be subject to the State  
17 acquiring by subrogation the rights of any owner, operator,  
18 or other person to recover the costs of corrective action or  
19 indemnification for which the Fund has compensated such  
20 owner, operator, or person from the person responsible or  
21 liable for the release.

22 (i) If the Agency refuses to pay or authorizes only a  
23 partial payment, the affected owner or operator may petition  
24 the Board for a hearing in the manner provided for the review  
25 of permit decisions in Section 40 of this Act.

26 (j) Costs of corrective action or indemnification  
27 incurred by an owner or operator prior to July 28, 1989,  
28 shall not be eligible for payment or reimbursement under this  
29 Section.

30 (k) The Agency shall not pay costs of corrective action  
31 or indemnification incurred before providing notification of  
32 the release of petroleum in accordance with the provisions of  
33 this Title.

34 (l) Corrective action does not include legal defense

1 costs. Legal defense costs include legal costs for seeking  
2 payment under this Title unless the owner or operator  
3 prevails before the Board in which case the Board may  
4 authorize payment of legal fees.

5 (m) The Agency may apportion payment of costs for plans  
6 submitted under Section 57.7 if:

7 (1) the owner or operator was deemed eligible to  
8 access the Fund for payment of corrective action costs  
9 for some, but not all, of the underground storage tanks  
10 at the site; and

11 (2) the owner or operator failed to justify all  
12 costs attributable to each underground storage tank at  
13 the site.

14 (n) The Agency shall not pay costs associated with a  
15 corrective action plan incurred after the Agency provides  
16 notification to the owner or operator pursuant to item (7) of  
17 subsection (b) of Section 57.7 that a revised corrective  
18 action plan is required. Costs associated with any  
19 subsequently approved corrective action plan shall be  
20 eligible for reimbursement if they meet the requirements of  
21 this Title.

22 (Source: P.A. 91-357, eff. 7-29-99; 92-554, eff. 6-24-02;  
23 92-574, eff. 6-26-02; 92-735, eff. 7-25-02; revised 10-3-02.)

24 (415 ILCS 5/57.10)

25 Sec. 57.10. Professional Engineer or Professional  
26 Geologist certification; presumptions against liability.

27 (a) Within 120 days of the Agency's receipt of a  
28 corrective action completion report, the Agency shall issue  
29 to the owner or operator a "no further remediation letter"  
30 unless the Agency has requested a modification, issued a  
31 rejection under subsection (d) of this Section, or the report  
32 has been rejected by operation of law.

33 (b) By certifying such a statement, a Licensed

1 Professional Engineer or Licensed Professional Geologist  
2 shall in no way be liable thereon, unless the engineer or  
3 geologist gave such certification despite his or her actual  
4 knowledge that the performed measures were not in compliance  
5 with applicable statutory or regulatory requirements or any  
6 plan submitted to the Agency.

7 (c) The Agency's issuance of a no further remediation  
8 letter shall signify, based on the certification of the  
9 Licensed Professional Engineer, that:

10 (1) all statutory and regulatory corrective  
11 action requirements applicable to the occurrence have  
12 been complied with;

13 (2) all corrective action concerning the  
14 remediation of the occurrence has been completed; and

15 (3) no further corrective action concerning the  
16 occurrence is necessary for the protection of human  
17 health, safety and the environment.

18 (d) The no further remediation letter issued under this  
19 Section shall apply in favor of the following parties:

20 (1) The owner or operator to whom the letter was  
21 issued.

22 (2) Any parent corporation or subsidiary of such  
23 owner or operator.

24 (3) Any co-owner or co-operator, either by joint  
25 tenancy, right-of-survivorship, or any other party  
26 sharing a legal relationship with the owner or operator  
27 to whom the letter is issued.

28 (4) Any holder of a beneficial interest of a land  
29 trust or inter vivos trust whether revocable or  
30 irrevocable.

31 (5) Any mortgagee or trustee of a deed of trust of  
32 such owner or operator.

33 (6) Any successor-in-interest of such owner or  
34 operator.

1 (7) Any transferee of such owner or operator  
2 whether the transfer was by sale, bankruptcy proceeding,  
3 partition, dissolution of marriage, settlement or  
4 adjudication of any civil action, charitable gift, or  
5 bequest.

6 (8) Any heir or devisee or such owner or operator.

7 (e) If the Agency notifies the owner or operator that  
8 the "no further remediation" letter has been rejected, the  
9 grounds for such rejection shall be described in the notice.  
10 Such a decision shall be a final determination which may be  
11 appealed by the owner or operator.

12 (f) The Board shall adopt rules setting forth the  
13 criteria under which the Agency may require an owner or  
14 operator to conduct further investigation or remediation  
15 related to a release for which a no further remediation  
16 letter has been issued.

17 (g) Holders of security interests in sites subject to  
18 the requirements of this Title XVI shall be entitled to the  
19 same protections and subject to the same responsibilities  
20 provided under general regulations promulgated under Subtitle  
21 I of the Hazardous and Solid Waste Amendments of 1984 (P.L.  
22 98-616) of the Resource Conservation and Recovery Act of 1976  
23 (P.L. 94-580).

24 (Source: P.A. 92-554, eff. 6-24-02; 92-735, eff. 7-25-02;  
25 revised 9-9-02.)

26 (415 ILCS 5/57.13)

27 Sec. 57.13. Underground Storage Tank Program; transition.

28 (a) If a release is reported to the proper State  
29 authority on or after June 24 ~~September-13~~, 2002, the owner  
30 or operator shall comply with the requirements of this Title.

31 (b) If a release is reported to the proper State  
32 authority prior to June 24 ~~September-13~~, 2002, the owner or  
33 operator of an underground storage tank may elect to proceed

1 in accordance with the requirements of this Title by  
2 submitting a written statement to the Agency of such  
3 election. If the owner or operator elects to proceed under  
4 the requirements of this Title all costs incurred in  
5 connection with the incident prior to notification shall be  
6 reimbursable in the same manner as was allowable under the  
7 then existing law. Completion of corrective action shall then  
8 follow the provisions of this Title.

9 (Source: P.A. 92-554, eff. 6-24-02; 92-574, eff. 6-26-02;  
10 revised 9-9-02.)

11 (415 ILCS 5/58.7)

12 Sec. 58.7. Review and approvals.

13 (a) Requirements. All plans and reports that are  
14 submitted pursuant to this Title shall be submitted for  
15 review or approval in accordance with this Section.

16 (b) Review and evaluation by the Agency.

17 (1) Except for sites excluded under subdivision (a)  
18 (2) of Section 58.1, the Agency shall, subject to  
19 available resources, agree to provide review and  
20 evaluation services for activities carried out pursuant  
21 to this Title for which the RA requested the services in  
22 writing. As a condition for providing such services, the  
23 Agency may require that the RA for a site:

24 (A) Conform with the procedures of this Title;

25 (B) Allow for or otherwise arrange site visits  
26 or other site evaluation by the Agency when so  
27 requested;

28 (C) Agree to perform the Remedial Action Plan  
29 as approved under this Title;

30 (D) Agree to pay any reasonable costs incurred  
31 and documented by the Agency in providing such  
32 services;

33 (E) Make an advance partial payment to the

1 Agency for such anticipated services in an amount,  
2 acceptable to the Agency, but not to exceed \$5,000  
3 or one-half of the total anticipated costs of the  
4 Agency, whichever sum is less; and

5 (F) Demonstrate, if necessary, authority to  
6 act on behalf of or in lieu of the owner or  
7 operator.

8 (2) Any moneys received by the State for costs  
9 incurred by the Agency in performing review or evaluation  
10 services for actions conducted pursuant to this Title  
11 shall be deposited in the Hazardous Waste Fund.

12 (3) An RA requesting services under subdivision (b)  
13 (1) of this Section may, at any time, notify the Agency,  
14 in writing, that Agency services previously requested are  
15 no longer wanted. Within 180 days after receipt of the  
16 notice, the Agency shall provide the RA with a final  
17 invoice for services provided until the date of such  
18 notifications.

19 (4) The Agency may invoice or otherwise request or  
20 demand payment from a RA for costs incurred by the Agency  
21 in performing review or evaluation services for actions  
22 by the RA at sites only if:

23 (A) The Agency has incurred costs in  
24 performing response actions, other than review or  
25 evaluation services, due to the failure of the RA to  
26 take response action in accordance with a notice  
27 issued pursuant to this Act;

28 (B) The RA has agreed in writing to the  
29 payment of such costs;

30 (C) The RA has been ordered to pay such costs  
31 by the Board or a court of competent jurisdiction  
32 pursuant to this Act; or

33 (D) The RA has requested or has consented to  
34 Agency review or evaluation services under



1 subdivision (b) (1) of this Section.

2 (5) The Agency may, subject to available resources,  
3 agree to provide review and evaluation services for  
4 response actions if there is a written agreement among  
5 parties to a legal action or if a notice to perform a  
6 response action has been issued by the Agency.

7 (c) Review and evaluation by a Licensed Professional  
8 Engineer or Licensed Professional Geologist. A RA may elect  
9 to contract with a Licensed Professional Engineer or, in the  
10 case of a site investigation report only, a Licensed  
11 Professional Geologist, who will perform review and  
12 evaluation services on behalf of and under the direction of  
13 the Agency relative to the site activities.

14 (1) Prior to entering into the contract with the  
15 RELPEG, the RA shall notify the Agency of the RELPEG to  
16 be selected. The Agency and the RA shall discuss the  
17 potential terms of the contract.

18 (2) At a minimum, the contract with the RELPEG  
19 shall provide that the RELPEG will submit any reports  
20 directly to the Agency, will take his or her directions  
21 for work assignments from the Agency, and will perform  
22 the assigned work on behalf of the Agency.

23 (3) Reasonable costs incurred by the Agency shall  
24 be paid by the RA directly to the Agency in accordance  
25 with the terms of the review and evaluation services  
26 agreement entered into under subdivision (b) (1) of  
27 Section 58.7.

28 (4) In no event shall the RELPEG acting on behalf  
29 of the Agency be an employee of the RA or the owner or  
30 operator of the site or be an employee of any other  
31 person the RA has contracted to provide services relative  
32 to the site.

33 (d) Review and approval. All reviews required under  
34 this Title shall be carried out by the Agency or a RELPEG,

1 both under the direction of a Licensed Professional Engineer  
2 or, in the case of the review of a site investigation only, a  
3 Licensed Professional Geologist.

4 (1) All review activities conducted by the Agency  
5 or a RELPEG shall be carried out in conformance with this  
6 Title and rules promulgated under Section 58.11.

7 (2) Subject to the limitations in subsection (c)  
8 and this subsection (d), the specific plans, reports, and  
9 activities that the Agency or a RELPEG may review  
10 include:

11 (A) Site Investigation Reports and related  
12 activities;

13 (B) Remediation Objectives Reports;

14 (C) Remedial Action Plans and related  
15 activities; and

16 (D) Remedial Action Completion Reports and  
17 related activities.

18 (3) Only the Agency shall have the authority to  
19 approve, disapprove, or approve with conditions a plan  
20 or report as a result of the review process including  
21 those plans and reports reviewed by a RELPEG. If the  
22 Agency disapproves a plan or report or approves a plan or  
23 report with conditions, the written notification required  
24 by subdivision (d) (4) of this Section shall contain the  
25 following information, as applicable:

26 (A) An explanation of the Sections of this  
27 Title that may be violated if the plan or report was  
28 approved;

29 (B) An explanation of the provisions of the  
30 rules promulgated under this Title that may be  
31 violated if the plan or report was approved;

32 (C) An explanation of the specific type of  
33 information, if any, that the Agency deems the  
34 applicant did not provide the Agency;

1 (D) A statement of specific reasons why the  
2 Title and regulations might not be met if the plan  
3 or report were approved; and

4 (E) An explanation of the reasons for  
5 conditions if conditions are required.

6 (4) Upon approving, disapproving, or approving with  
7 conditions a plan or report, the Agency shall notify the  
8 RA in writing of its decision. In the case of approval  
9 or approval with conditions of a Remedial Action  
10 Completion Report, the Agency shall prepare a No Further  
11 Remediation Letter that meets the requirements of Section  
12 58.10 and send a copy of the letter to the RA.

13 (5) All reviews undertaken by the Agency or a  
14 RELPEG shall be completed and the decisions communicated  
15 to the RA within 60 days of the request for review or  
16 approval. The RA may waive the deadline upon a request  
17 from the Agency. If the Agency disapproves or approves  
18 with conditions a plan or report or fails to issue a  
19 final decision within the 60 day period and the RA has  
20 not agreed to a waiver of the deadline, the RA may,  
21 within 35 days, file an appeal to the Board. Appeals to  
22 the Board shall be in the manner provided for the review  
23 of permit decisions in Section 40 of this Act.

24 (e) Standard of review. In making determinations, the  
25 following factors, and additional factors as may be adopted  
26 by the Board in accordance with Section 58.11, shall be  
27 considered by the Agency when reviewing or approving plans,  
28 reports, and related activities, or the RELPEG, when  
29 reviewing plans, reports, and related activities:

30 (1) Site Investigation Reports and related  
31 activities: Whether investigations have been conducted  
32 and the results compiled in accordance with the  
33 appropriate procedures and whether the interpretations  
34 and conclusions reached are supported by the information

1 gathered. In making the determination, the following  
2 factors shall be considered:

3 (A) The adequacy of the description of the  
4 site and site characteristics that were used to  
5 evaluate the site;

6 (B) The adequacy of the investigation of  
7 potential pathways and risks to receptors identified  
8 at the site; and

9 (C) The appropriateness of the sampling and  
10 analysis used.

11 (2) Remediation Objectives Reports: Whether the  
12 remediation objectives are consistent with the  
13 requirements of the applicable method for selecting or  
14 determining remediation objectives under Section 58.5.  
15 In making the determination, the following factors shall  
16 be considered:

17 (A) If the objectives were based on the  
18 determination of area background levels under  
19 subsection (b) of Section 58.5, whether the review  
20 of current and historic conditions at or in the  
21 immediate vicinity of the site has been thorough and  
22 whether the site sampling and analysis has been  
23 performed in a manner resulting in accurate  
24 determinations;

25 (B) If the objectives were calculated on the  
26 basis of predetermined equations using site specific  
27 data, whether the calculations were accurately  
28 performed and whether the site specific data reflect  
29 actual site conditions; and

30 (C) If the objectives were determined using a  
31 site specific risk assessment procedure, whether the  
32 procedure used is nationally recognized and  
33 accepted, whether the calculations were accurately  
34 performed, and whether the site specific data

1 reflect actual site conditions.

2 (3) Remedial Action Plans and related activities:  
3 Whether the plan will result in compliance with this  
4 Title, and rules adopted under it and attainment of the  
5 applicable remediation objectives. In making the  
6 determination, the following factors shall be considered:

7 (A) The likelihood that the plan will result  
8 in the attainment of the applicable remediation  
9 objectives;

10 (B) Whether the activities proposed are  
11 consistent with generally accepted engineering  
12 practices; and

13 (C) The management of risk relative to any  
14 remaining contamination, including but not limited  
15 to, provisions for the long-term enforcement,  
16 operation, and maintenance of institutional and  
17 engineering controls, if relied on.

18 (4) Remedial Action Completion Reports and related  
19 activities: Whether the remedial activities have been  
20 completed in accordance with the approved Remedial Action  
21 Plan and whether the applicable remediation objectives  
22 have been attained.

23 (f) All plans and reports submitted for review shall  
24 include a Licensed Professional Engineer's certification that  
25 all investigations and remedial activities were carried out  
26 under his or her direction and, to the best of his or her  
27 knowledge and belief, the work described in the plan or  
28 report has been completed in accordance with generally  
29 accepted engineering practices, and the information presented  
30 is accurate and complete. In the case of a site investigation  
31 report prepared or supervised by a Licensed Professional  
32 Geologist, the required certification may be made by the  
33 Licensed Professional Geologist (rather than a Licensed  
34 Professional Engineer) and based upon generally accepted

1 principles of professional geology.

2 (g) In accordance with Section 58.11, the Agency shall  
3 propose and the Board shall adopt rules to carry out the  
4 purposes of this Section. At a minimum, the rules shall  
5 detail the types of services the Agency may provide in  
6 response to requests under subdivision (b) (1) of this  
7 Section and the recordkeeping it will utilize in documenting  
8 to the RA the costs incurred by the Agency in providing such  
9 services.

10 (h) Public participation.

11 (1) The Agency shall develop guidance to assist  
12 RA's in the implementation of a community relations plan  
13 to address activity at sites undergoing remedial action  
14 pursuant to this Title.

15 (2) The RA may elect to enter into a services  
16 agreement with the Agency for Agency assistance in  
17 community outreach efforts.

18 (3) The Agency shall maintain a registry listing  
19 those sites undergoing remedial action pursuant to this  
20 Title.

21 (4) Notwithstanding any provisions of this Section,  
22 the RA of a site undergoing remedial activity pursuant to  
23 this Title may elect to initiate a community outreach  
24 effort for the site.

25 (Source: P.A. 92-574, eff. 6-26-02; 92-735, eff. 7-25-02;  
26 revised 9-9-02.)

27 Section 45. The Firearm Owners Identification Card Act  
28 is amended by changing Section 4 as follows:

29 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

30 Sec. 4. (a) Each applicant for a Firearm Owner's  
31 Identification Card must:

32 (1) Make application on blank forms prepared and

1 furnished at convenient locations throughout the State by  
2 the Department of State Police, or by electronic means,  
3 if and when made available by the Department of State  
4 Police; and

5 (2) Submit evidence to the Department of State  
6 Police that:

7 (i) He or she is 21 years of age or over, or  
8 if he or she is under 21 years of age that he or she  
9 has the written consent of his or her parent or  
10 legal guardian to possess and acquire firearms and  
11 firearm ammunition and that he or she has never been  
12 convicted of a misdemeanor other than a traffic  
13 offense or adjudged delinquent, provided, however,  
14 that such parent or legal guardian is not an  
15 individual prohibited from having a Firearm Owner's  
16 Identification Card and files an affidavit with the  
17 Department as prescribed by the Department stating  
18 that he or she is not an individual prohibited from  
19 having a Card;

20 (ii) He or she has not been convicted of a  
21 felony under the laws of this or any other  
22 jurisdiction;

23 (iii) He or she is not addicted to narcotics;

24 (iv) He or she has not been a patient in a  
25 mental institution within the past 5 years;

26 (v) He or she is not mentally retarded;

27 (vi) He or she is not an alien who is  
28 unlawfully present in the United States under the  
29 laws of the United States;

30 (vii) He or she is not subject to an existing  
31 order of protection prohibiting him or her from  
32 possessing a firearm;

33 (viii) He or she has not been convicted within  
34 the past 5 years of battery, assault, aggravated

1 assault, violation of an order of protection, or a  
2 substantially similar offense in another  
3 jurisdiction, in which a firearm was used or  
4 possessed;

5 (ix) He or she has not been convicted of  
6 domestic battery or a substantially similar offense  
7 in another jurisdiction committed on or after the  
8 effective date of this amendatory Act of 1997;

9 (x) He or she has not been convicted within  
10 the past 5 years of domestic battery or a  
11 substantially similar offense in another  
12 jurisdiction committed before the effective date of  
13 this amendatory Act of 1997; and

14 (xi) He or she is not an alien who has been  
15 admitted to the United States under a non-immigrant  
16 visa (as that term is defined in Section 101(a)(26)  
17 of the Immigration and Nationality Act (8 U.S.C.  
18 1101(a)(26))), or that he or she is an alien who has  
19 been lawfully admitted to the United States under a  
20 non-immigrant visa if that alien is:

21 (1) admitted to the United States for  
22 lawful hunting or sporting purposes;

23 (2) an official representative of a  
24 foreign government who is:

25 (A) accredited to the United States  
26 Government or the Government's mission to  
27 an international organization having its  
28 headquarters in the United States; or

29 (B) en route to or from another  
30 country to which that alien is accredited;

31 (3) an official of a foreign government  
32 or distinguished foreign visitor who has been  
33 so designated by the Department of State;

34 (4) a foreign law enforcement officer of



1 a friendly foreign government entering the  
2 United States on official business; or

3 (5) one who has received a waiver from  
4 the Attorney General of the United States  
5 pursuant to 18 U.S.C. 922(y)(3); and

6 (3) Upon request by the Department of State Police,  
7 sign a release on a form prescribed by the Department of  
8 State Police waiving any right to confidentiality and  
9 requesting the disclosure to the Department of State  
10 Police of limited mental health institution admission  
11 information from another state, the District of Columbia,  
12 any other territory of the United States, or a foreign  
13 nation concerning the applicant for the sole purpose of  
14 determining whether the applicant is or was a patient in  
15 a mental health institution and disqualified because of  
16 that status from receiving a Firearm Owner's  
17 Identification Card. No mental health care or treatment  
18 records may be requested. The information received shall  
19 be destroyed within one year of receipt.

20 (a-5) Each applicant for a Firearm Owner's  
21 Identification Card who is over the age of 18 shall furnish  
22 to the Department of State Police either his or her driver's  
23 license number or Illinois Identification Card number.

24 (a-10) Each applicant for a Firearm Owner's  
25 Identification Card, who is employed as an armed security  
26 officer at a nuclear energy, storage, weapons, or development  
27 facility regulated by the Nuclear Regulatory Commission and  
28 who is not an Illinois resident, shall furnish to the  
29 Department of State Police his or her driver's license number  
30 or state identification card number from his or her state of  
31 residence. The Department of State Police may promulgate  
32 rules to enforce the provisions of this subsection (a-10).

33 (b) Each application form shall include the following  
34 statement printed in bold type: "Warning: Entering false

1 information on an application for a Firearm Owner's  
2 Identification Card is punishable as a Class 2 felony in  
3 accordance with subsection (d-5) of Section 14 of the Firearm  
4 Owners Identification Card Act."

5 (c) Upon such written consent, pursuant to Section 4,  
6 paragraph (a)(2)(i), the parent or legal guardian giving the  
7 consent shall be liable for any damages resulting from the  
8 applicant's use of firearms or firearm ammunition.

9 (Source: P.A. 91-514, eff. 1-1-00; 91-694, eff. 4-13-00;  
10 92-442, eff. 8-17-01; 92-839, eff. 8-22-02; 92-854, eff.  
11 12-5-02; revised 12-30-02.)

12 Section 46. The Humane Care for Animals Act is amended  
13 by changing Sections 4.01, 4.04, and 16 as follows:

14 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

15 Sec. 4.01. Animals in entertainment. This Section does  
16 not apply when the only animals involved are dogs. (Section  
17 26-5 of the Criminal Code of 1961, rather than this Section,  
18 applies when the only animals involved are dogs.)

19 (a) No person may own, capture, breed, train, or lease  
20 any animal which he or she knows or should know is intended  
21 for use in any show, exhibition, program, or other activity  
22 featuring or otherwise involving a fight between such animal  
23 and any other animal or human, or the intentional killing of  
24 any animal for the purpose of sport, wagering, or  
25 entertainment.

26 (b) No person shall promote, conduct, carry on,  
27 advertise, collect money for or in any other manner assist or  
28 aid in the presentation for purposes of sport, wagering, or  
29 entertainment, any show, exhibition, program, or other  
30 activity involving a fight between 2 or more animals or any  
31 animal and human, or the intentional killing of any animal.

32 (c) No person shall sell or offer for sale, ship,

1 transport, or otherwise move, or deliver or receive any  
2 animal which he or she knows or should know has been  
3 captured, bred, or trained, or will be used, to fight another  
4 animal or human or be intentionally killed, for the purpose  
5 of sport, wagering, or entertainment.

6 (d) No person shall manufacture for sale, shipment,  
7 transportation or delivery any device or equipment which that  
8 person knows or should know is intended for use in any show,  
9 exhibition, program, or other activity featuring or otherwise  
10 involving a fight between 2 or more animals, or any human and  
11 animal, or the intentional killing of any animal for purposes  
12 of sport, wagering or entertainment.

13 (e) No person shall own, possess, sell or offer for  
14 sale, ship, transport, or otherwise move any equipment or  
15 device which such person knows or should know is intended for  
16 use in connection with any show, exhibition, program, or  
17 activity featuring or otherwise involving a fight between 2  
18 or more animals, or any animal and human, or the intentional  
19 killing of any animal for purposes of sport, wagering or  
20 entertainment.

21 (f) No person shall make available any site, structure,  
22 or facility, whether enclosed or not, which he or she knows  
23 or should know is intended to be used for the purpose of  
24 conducting any show, exhibition, program, or other activity  
25 involving a fight between 2 or more animals, or any animal  
26 and human, or the intentional killing of any animal.

27 (g) No person shall attend or otherwise patronize any  
28 show, exhibition, program, or other activity featuring or  
29 otherwise involving a fight between 2 or more animals, or any  
30 animal and human, or the intentional killing of any animal  
31 for the purposes of sport, wagering or entertainment.

32 (h) (Blank).

33 (i) Any animals or equipment involved in a violation of  
34 this Section shall be immediately seized and impounded under

1 Section 12 by the Department when located at any show,  
2 exhibition, program, or other activity featuring or otherwise  
3 involving an animal fight for the purposes of sport,  
4 wagering, or entertainment.

5 (j) Any vehicle or conveyance other than a common  
6 carrier that is used in violation of this Section shall be  
7 seized, held, and offered for sale at public auction by the  
8 sheriff's department of the proper jurisdiction, and the  
9 proceeds from the sale shall be remitted to the general fund  
10 of the county where the violation took place.

11 (k) Any veterinarian in this State who is presented with  
12 an animal for treatment of injuries or wounds resulting from  
13 fighting where there is a reasonable possibility that the  
14 animal was engaged in or utilized for a fighting event for  
15 the purposes of sport, wagering, or entertainment shall file  
16 a report with the Department and cooperate by furnishing the  
17 owners' names, dates, and descriptions of the animal or  
18 animals involved. Any veterinarian who in good faith  
19 complies with the requirements of this subsection has  
20 immunity from any liability, civil, criminal, or otherwise,  
21 that may result from his or her actions. For the purposes of  
22 any proceedings, civil or criminal, the good faith of the  
23 veterinarian shall be rebuttably presumed.

24 (l) No person shall solicit a minor to violate this  
25 Section.

26 (m) The penalties for violations of this Section shall  
27 be as follows:

28 (1) A person convicted of violating subsection (a),  
29 (b), or (c) of this Section or any rule, regulation, or  
30 order of the Department pursuant thereto is guilty of a  
31 Class A misdemeanor for the first offense. A second or  
32 subsequent offense involving the violation of subsection  
33 (a), (b), or (c) of this Section or any rule, regulation,  
34 or order of the Department pursuant thereto is a Class 4

1 felony.

2 (2) A person convicted of violating subsection (d),  
3 (e), or (f) of this Section or any rule, regulation, or  
4 order of the Department pursuant thereto is guilty of a  
5 Class A misdemeanor for the first offense. A second or  
6 subsequent violation is a Class 4 felony.

7 (3) A person convicted of violating subsection (g)  
8 of this Section or any rule, regulation, or order of the  
9 Department pursuant thereto is guilty of a Class C  
10 misdemeanor.

11 (4) A person convicted of violating subsection (l)  
12 of this Section is guilty of a Class A misdemeanor.

13 (Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02;  
14 92-650, eff. 7-11-02; 92-651, eff. 7-11-02; revised  
15 11-21-02.)

16 (510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

17 Sec. 4.04. Injuring or killing police animals, service  
18 animals, or search and rescue dogs prohibited. It shall be  
19 unlawful for any person to willfully or maliciously torture,  
20 mutilate, injure, disable, poison, or kill (i) any animal  
21 used by a law enforcement department or agency in the  
22 performance of the functions or duties of the department or  
23 agency or when placed in confinement off duty, (ii) any  
24 service animal, (iii) any search and rescue dog, or (iv) any  
25 law enforcement, service, or search and rescue animal in  
26 training. However, a police officer or veterinarian may  
27 perform euthanasia in emergency situations when delay would  
28 cause the animal undue suffering and pain.

29 A person convicted of violating this Section is guilty of  
30 a Class 4 felony ~~A-misdemeanor~~ if the animal is not killed or  
31 totally disabled; if the animal is killed or totally  
32 disabled, the person is guilty of a Class 3 ~~Class-4~~ felony.

33 (Source: P.A. 91-357, eff. 7-29-99; 92-454, eff. 1-1-02;

1 92-650, eff. 7-11-02; incorporates 92-723, eff. 1-1-03;  
2 revised 10-3-02.)

3 (510 ILCS 70/16) (from Ch. 8, par. 716)

4 Sec. 16. Miscellaneous violations; injunctions;  
5 forfeiture.

6 (a) (Blank).

7 (b) (Blank). ~~4-felony-3~~

8 (c) Any person convicted of any act of abuse or neglect  
9 for which no other penalty is specified in this Act, or of  
10 violating any other provision of this Act or any rule,  
11 regulation, or order of the Department pursuant thereto for  
12 which no other penalty is specified in this Act, is guilty of  
13 a Class B misdemeanor for the first violation. A second or  
14 subsequent violation is a Class 4 felony, with every day that  
15 a violation continues constituting a separate offense.

16 (d) (Blank).

17 (e) (Blank).

18 (f) The Department may enjoin a person from a continuing  
19 violation of this Act.

20 (g) (Blank).

21 (h) (Blank).

22 (i) In addition to any other penalty provided by law,  
23 upon conviction for violating Section 3, 3.01, 3.02, or 3.03  
24 the court may order the convicted person to forfeit to an  
25 animal control or animal shelter the animal or animals that  
26 are the basis of the conviction. Upon an order of  
27 forfeiture, the convicted person is deemed to have  
28 permanently relinquished all rights to the animal or animals  
29 that are the basis of the conviction. The forfeited animal  
30 or animals shall be adopted or humanely euthanized. In no  
31 event may the convicted person or anyone residing in his or  
32 her household be permitted to adopt the forfeited animal or  
33 animals. The court, additionally, may order that the

1 convicted person and persons dwelling in the same household  
2 as the convicted person who conspired, aided, or abetted in  
3 the unlawful act that was the basis of the conviction, or who  
4 knew or should have known of the unlawful act, may not own,  
5 harbor, or have custody or control of any other animals for a  
6 period of time that the court deems reasonable.

7 (Source: P.A. 91-291, eff. 1-1-00; 91-351, eff. 7-29-99;  
8 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-425, eff.  
9 1-1-02; 92-454, eff. 1-1-02; 92-650, eff. 7-11-02; 92-651,  
10 eff. 7-11-02; 92-723, eff. 1-1-03; revised 10-3-02.)

11 Section 47. The Illinois Highway Code is amended by  
12 changing Section 5-701.2 as follows;

13 (605 ILCS 5/5-701.2) (from Ch. 121, par. 5-701.2)

14 Sec. 5-701.2. Any county board, with the approval of the  
15 Department, may also use motor fuel tax money allotted to it  
16 for construction of State highways within the county.

17 (Source: Laws 1959, p. 196; revised 11-05-02.)

18 Section 48. The Illinois Vehicle Code is amended by  
19 changing Sections 3-412, 3-413, 3-621, 3-622, 3-625, 3-803,  
20 6-206, 6-500, 11-605, 11-1201, 12-215, and 18b-105 and by  
21 setting forth and renumbering multiple versions of Sections  
22 3-648, 3-653, and 3-654 as follows:

23 (625 ILCS 5/3-412) (from Ch. 95 1/2, par. 3-412)

24 (Text of Section before amendment by P.A. 92-629)

25 Sec. 3-412. Registration plates and registration  
26 stickers to be furnished by the Secretary of State.

27 (a) The Secretary of State upon registering a vehicle  
28 subject to annual registration for the first time shall  
29 issue or shall cause to be issued to the owner one  
30 registration plate for a motorcycle, trailer, semitrailer,

1 motorized pedalcycle or truck-tractor, 2 registration plates  
2 for other motor vehicles and, where applicable, current  
3 registration stickers for motor vehicles of the first  
4 division. The provisions of this Section may be made  
5 applicable to such vehicles of the second division, as the  
6 Secretary of State may, from time to time, in his discretion  
7 designate. On subsequent annual registrations during the  
8 term of the registration plate as provided in Section  
9 3-414.1, the Secretary shall issue or cause to be issued  
10 registration stickers as evidence of current registration.  
11 However, the issuance of annual registration stickers to  
12 vehicles registered under the provisions of Section 3-402.1  
13 of this Code may not be required if the Secretary deems the  
14 issuance unnecessary.

15 (b) Every registration plate shall have displayed upon  
16 it the registration number assigned to the vehicle for which  
17 it is issued, the name of this State, which may be  
18 abbreviated, the year number for which it was issued, which  
19 may be abbreviated, the phrase "Land of Lincoln" (except as  
20 otherwise provided in this Chapter 3), and such other letters  
21 or numbers as the Secretary may prescribe. However, for  
22 apportionment plates issued to vehicles registered under  
23 Section 3-402.1, the phrase "Land of Lincoln" may be omitted  
24 to allow for the word "apportioned" to be displayed. The  
25 Secretary may in his discretion prescribe that letters be  
26 used as prefixes only on registration plates issued to  
27 vehicles of the first division which are registered under  
28 this Code and only as suffixes on registration plates issued  
29 to other vehicles. Every registration sticker issued as  
30 evidence of current registration shall designate the year  
31 number for which it is issued and such other letters or  
32 numbers as the Secretary may prescribe and shall be of a  
33 contrasting color with the registration plates and  
34 registration stickers of the previous year.



1 (c) Each registration plate and the required letters and  
2 numerals thereon, except the year number for which issued,  
3 shall be of sufficient size to be plainly readable from a  
4 distance of 100 feet during daylight, and shall be coated  
5 with reflectorizing material. The dimensions of the plate  
6 issued to vehicles of the first division shall be 6 by 12  
7 inches.

8 (d) The Secretary of State shall issue for every  
9 passenger motor vehicle rented without a driver the same type  
10 of registration plates as the type of plates issued for a  
11 private passenger vehicle.

12 (e) The Secretary of State shall issue for every  
13 passenger car used as a taxicab or livery, distinctive  
14 registration plates.

15 (f) The Secretary of State shall issue for every  
16 motorcycle distinctive registration plates distinguishing  
17 between motorcycles having 150 or more cubic centimeters  
18 piston displacement, or having less than 150 cubic centimeter  
19 piston displacement.

20 (g) Registration plates issued to vehicles for-hire may  
21 display a designation as determined by the Secretary that  
22 such vehicles are for-hire.

23 (h) The Secretary of State shall issue for each electric  
24 vehicle distinctive registration plates which shall  
25 distinguish between electric vehicles having a maximum  
26 operating speed of 45 miles per hour or more and those having  
27 a maximum operating speed of less than 45 miles per hour.

28 (i) The Secretary of State shall issue for every public  
29 and private ambulance registration plates identifying the  
30 vehicle as an ambulance. The Secretary shall forward to the  
31 Department of Public Aid registration information for the  
32 purpose of verification of claims filed with the Department  
33 by ambulance owners for payment for services to public  
34 assistance recipients.

1 (j) The Secretary of State shall issue for every public  
2 and private medical carrier or rescue vehicle livery  
3 registration plates displaying numbers within ranges of  
4 numbers reserved respectively for medical carriers and rescue  
5 vehicles. The Secretary shall forward to the Department of  
6 Public Aid registration information for the purpose of  
7 verification of claims filed with the Department by owners of  
8 medical carriers or rescue vehicles for payment for services  
9 to public assistance recipients.

10 (Source: P.A. 92-651, eff. 7-11-02.)

11 (Text of Section after amendment by P.A. 92-629)

12 Sec. 3-412. Registration plates and registration  
13 stickers to be furnished by the Secretary of State.

14 (a) The Secretary of State upon registering a vehicle  
15 subject to annual registration for the first time shall  
16 issue or shall cause to be issued to the owner one  
17 registration plate for a motorcycle, trailer, semitrailer,  
18 motorized pedalcycle or truck-tractor, 2 registration plates  
19 for other motor vehicles and, where applicable, current  
20 registration stickers for motor vehicles of the first  
21 division. The provisions of this Section may be made  
22 applicable to such vehicles of the second division, as the  
23 Secretary of State may, from time to time, in his discretion  
24 designate. On subsequent annual registrations during the  
25 term of the registration plate as provided in Section  
26 3-414.1, the Secretary shall issue or cause to be issued  
27 registration stickers as evidence of current registration.  
28 However, the issuance of annual registration stickers to  
29 vehicles registered under the provisions of Sections 3-402.1  
30 and 3-405.3 of this Code may not be required if the Secretary  
31 deems the issuance unnecessary.

32 (b) Every registration plate shall have displayed upon  
33 it the registration number assigned to the vehicle for which  
34 it is issued, the name of this State, which may be

1 abbreviated, the year number for which it was issued, which  
2 may be abbreviated, the phrase "Land of Lincoln" (except as  
3 otherwise provided in this Code Chapter-3), and such other  
4 letters or numbers as the Secretary may prescribe. However,  
5 for apportionment plates issued to vehicles registered under  
6 Section 3-402.1 and fleet plates issued to vehicles  
7 registered under Section 3-405.3, the phrase "Land of  
8 Lincoln" may be omitted to allow for the word "apportioned",  
9 the word "fleet", or other similar language to be displayed.  
10 Registration plates issued to a vehicle registered as a fleet  
11 vehicle may display a designation determined by the  
12 Secretary.

13 The Secretary may in his discretion prescribe that  
14 letters be used as prefixes only on registration plates  
15 issued to vehicles of the first division which are registered  
16 under this Code and only as suffixes on registration plates  
17 issued to other vehicles. Every registration sticker issued  
18 as evidence of current registration shall designate the year  
19 number for which it is issued and such other letters or  
20 numbers as the Secretary may prescribe and shall be of a  
21 contrasting color with the registration plates and  
22 registration stickers of the previous year.

23 (c) Each registration plate and the required letters and  
24 numerals thereon, except the year number for which issued,  
25 shall be of sufficient size to be plainly readable from a  
26 distance of 100 feet during daylight, and shall be coated  
27 with reflectorizing material. The dimensions of the plate  
28 issued to vehicles of the first division shall be 6 by 12  
29 inches.

30 (d) The Secretary of State shall issue for every  
31 passenger motor vehicle rented without a driver the same type  
32 of registration plates as the type of plates issued for a  
33 private passenger vehicle.

34 (e) The Secretary of State shall issue for every

1 passenger car used as a taxicab or livery, distinctive  
2 registration plates.

3 (f) The Secretary of State shall issue for every  
4 motorcycle distinctive registration plates distinguishing  
5 between motorcycles having 150 or more cubic centimeters  
6 piston displacement, or having less than 150 cubic centimeter  
7 piston displacement.

8 (g) Registration plates issued to vehicles for-hire may  
9 display a designation as determined by the Secretary that  
10 such vehicles are for-hire.

11 (h) The Secretary of State shall issue for each electric  
12 vehicle distinctive registration plates which shall  
13 distinguish between electric vehicles having a maximum  
14 operating speed of 45 miles per hour or more and those having  
15 a maximum operating speed of less than 45 miles per hour.

16 (i) The Secretary of State shall issue for every public  
17 and private ambulance registration plates identifying the  
18 vehicle as an ambulance. The Secretary shall forward to the  
19 Department of Public Aid registration information for the  
20 purpose of verification of claims filed with the Department  
21 by ambulance owners for payment for services to public  
22 assistance recipients.

23 (j) The Secretary of State shall issue for every public  
24 and private medical carrier or rescue vehicle livery  
25 registration plates displaying numbers within ranges of  
26 numbers reserved respectively for medical carriers and rescue  
27 vehicles. The Secretary shall forward to the Department of  
28 Public Aid registration information for the purpose of  
29 verification of claims filed with the Department by owners of  
30 medical carriers or rescue vehicles for payment for services  
31 to public assistance recipients.

32 (Source: P.A. 92-629, eff. 7-1-03; 92-651, eff. 7-11-02;  
33 revised 8-14-02.)

1 (625 ILCS 5/3-413) (from Ch. 95 1/2, par. 3-413)

2 Sec. 3-413. Display of registration plates, registration  
3 stickers and drive-away permits.

4 (a) Registration plates issued for a motor vehicle other  
5 than a motorcycle, trailer, semitrailer, truck-tractor,  
6 apportioned bus, or apportioned truck shall be attached  
7 thereto, one in the front and one in the rear. The  
8 registration plate issued for a motorcycle, trailer or  
9 semitrailer required to be registered hereunder and any  
10 apportionment plate issued to a bus under the provisions of  
11 this Code shall be attached to the rear thereof. The  
12 registration plate issued for a truck-tractor or an  
13 apportioned truck required to be registered hereunder shall  
14 be attached to the front thereof.

15 (b) Every registration plate shall at all times be  
16 securely fastened in a horizontal position to the vehicle for  
17 which it is issued so as to prevent the plate from swinging  
18 and at a height of not less than 5 inches from the ground,  
19 measuring from the bottom of such plate, in a place and  
20 position to be clearly visible and shall be maintained in a  
21 condition to be clearly legible, free from any materials that  
22 would obstruct the visibility of the plate, including, but  
23 not limited to, glass covers and tinted plastic covers.  
24 Clear plastic covers are permissible as long as they remain  
25 clear and do not obstruct the visibility of the plates.  
26 Registration stickers issued as evidence of renewed annual  
27 registration shall be attached to registration plates as  
28 required by the Secretary of State, and be clearly visible at  
29 all times.

30 (c) Every drive-away permit issued pursuant to this Code  
31 shall be firmly attached to the motor vehicle in the manner  
32 prescribed by the Secretary of State. If a drive-away permit  
33 is affixed to a motor vehicle in any other manner the permit  
34 shall be void and of no effect.

1 (d) The Illinois prorated decal issued to a foreign  
2 registered vehicle part of a fleet prorated or apportioned  
3 with Illinois, shall be displayed on a registration plate and  
4 displayed on the front of such vehicle in the same manner as  
5 an Illinois registration plate.

6 (e) The registration plate issued for a camper body  
7 mounted on a truck displaying registration plates shall be  
8 attached to the rear of the camper body.

9 (f) No person shall operate a vehicle, nor permit the  
10 operation of a vehicle, upon which is displayed an Illinois  
11 registration plate, plates or registration stickers after the  
12 termination of the registration period for which issued or  
13 after the expiration date set pursuant to Sections 3-414 and  
14 3-414.1 of this Code.

15 (Source: P.A. 92-668, eff. 1-1-03; 92-680, eff. 7-16-02;  
16 revised 10-2-02.)

17 (625 ILCS 5/3-621) (from Ch. 95 1/2, par. 3-621)

18 Sec. 3-621. The Secretary, upon receipt of an  
19 application, made in the form prescribed by the Secretary of  
20 State, may issue to members of the Illinois National Guard,  
21 and to Illinois residents who are either former members of  
22 the Illinois National Guard or the surviving spouses of  
23 Illinois National Guard members, special registration plates.  
24 The special plates issued pursuant to this Section shall be  
25 affixed only to passenger vehicles of the first division,  
26 motorcycles, or motor vehicles of the second division  
27 weighing not more than 8,000 pounds subject to the staggered  
28 registration system.

29 The design and color of such plates shall be wholly  
30 within the discretion of the Secretary of State.

31 (Source: P.A. 92-545, eff. 6-12-02; 92-699, 1-1-03; revised  
32 8-23-02.)

1 (625 ILCS 5/3-622) (from Ch. 95 1/2, par. 3-622)

2 Sec. 3-622. The Secretary, upon receipt of an  
3 application made in the form prescribed by the Secretary of  
4 State, may issue to members of the United States Armed Forces  
5 Reserves who reside in Illinois, and to Illinois residents  
6 who are either former members of the United States Armed  
7 Forces Reserves or the surviving spouses of United States  
8 Armed Forces Reserve members who resided in Illinois, special  
9 registration plates. The special plates issued pursuant to  
10 this Section shall be affixed only to passenger vehicles of  
11 the first division, motorcycles, or motor vehicles of the  
12 second division weighing not more than 8,000 pounds subject  
13 to the staggered registration system. The design and color  
14 of such plates shall be wholly within the discretion of the  
15 Secretary of State.

16 (Source: P.A. 92-545, eff. 6-12-02; 92-699, eff. 1-1-03;  
17 revised 8-23-02.)

18 (625 ILCS 5/3-625) (from Ch. 95 1/2, par. 3-625)

19 Sec. 3-625. Pearl Harbor Plates. The Secretary, upon  
20 receipt of an application made in the form prescribed by the  
21 Secretary of State, may issue special registration plates to  
22 any Illinois resident who, while a member of the armed forces  
23 of the United States, participated in the battle of Pearl  
24 Harbor on December 7, 1941, or to the widowed spouse of any  
25 Illinois resident who, while a member of the armed forces of  
26 the United States, participated in the battle of Pearl Harbor  
27 on December 7, 1941, provided that the widowed spouse was  
28 married to the battle of Pearl Harbor participant at the time  
29 of the participant's death and is a single person at the time  
30 of application. The special plates issued pursuant to this  
31 Section should be affixed only to passenger vehicles of the  
32 1st division, motorcycles, or motor vehicles of the 2nd  
33 division weighing not more than 8,000 pounds.

1 The design and color of such plates shall be wholly  
2 within the discretion of the Secretary of State. Appropriate  
3 documentation, as determined by the Secretary, and the  
4 appropriate registration fee shall accompany the application.  
5 (Source: P.A. 92-545, eff. 6-12-02; 92-699, eff. 1-1-03;  
6 revised 8-23-02.)

7 (625 ILCS 5/3-648)

8 Sec. 3-648. Education license plates.

9 (a) The Secretary, upon receipt of an application made  
10 in the form prescribed by the Secretary, may issue special  
11 registration plates designated as Education license plates.  
12 The special plates issued under this Section shall be affixed  
13 only to passenger vehicles of the first division and motor  
14 vehicles of the second division weighing not more than 8,000  
15 pounds. Plates issued under this Section shall expire  
16 according to the multi-year procedure established by Section  
17 3-414.1 of this Code.

18 (b) The design and color of the plates shall be  
19 determined by a contest that every elementary school pupil in  
20 the State of Illinois is eligible to enter. The designs  
21 submitted for the contest shall be judged on September 30,  
22 2002, and the winning design shall be selected by a committee  
23 composed of the Secretary, the Director of State Police, 2  
24 members of the Senate, one member chosen by the President of  
25 the Senate and one member chosen by the Senate Minority  
26 Leader, and 2 members of the House of Representatives, one  
27 member chosen by the Speaker of the House and one member  
28 chosen by the House Minority Leader. The Secretary may allow  
29 the plates to be issued as vanity or personalized plates  
30 under Section 3-405.1 of the Code. The Secretary shall  
31 prescribe stickers or decals as provided under Section 3-412  
32 of this Code.

33 (c) An applicant for the special plate shall be charged



1 a \$40 fee for original issuance, in addition to the  
2 appropriate registration fee. Of this \$40 additional original  
3 issuance fee, \$15 shall be deposited into the Secretary of  
4 State Special License Plate Fund, to be used by the Secretary  
5 to help defray the administrative processing costs, and \$25  
6 shall be deposited into the Illinois Future Teacher Corps  
7 Scholarship Fund. For each registration renewal period, a  
8 \$40 fee, in addition to the appropriate registration fee,  
9 shall be charged. Of this \$40 additional renewal fee, \$2  
10 shall be deposited into the Secretary of State Special  
11 License Plate Fund and \$38 shall be deposited into the  
12 Illinois Future Teacher Corps Scholarship Fund. Each fiscal  
13 year, once deposits from the additional original issuance and  
14 renewal fees into the Secretary of State Special License  
15 Plate Fund have reached \$500,000, all the amounts received  
16 for the additional fees for the balance of the fiscal year  
17 shall be deposited into the Illinois Future Teacher Corps  
18 Scholarship Fund.

19 (d) The Illinois Future Teacher Corps Scholarship Fund  
20 is created as a special fund in the State treasury.  
21 Ninety-five percent of the moneys in the Illinois Future  
22 Teacher Corps Scholarship Fund shall be appropriated to the  
23 Illinois Student Assistance Commission for scholarships under  
24 Section 52 or 65.65 of the Higher Education Student  
25 Assistance Act, and 5% of the moneys in the Illinois Future  
26 Teacher Corps Scholarship Fund shall be appropriated to the  
27 State Board of Education for grants to the Golden Apple  
28 Foundation for Excellence in Teaching, a recognized  
29 charitable organization that meets the requirements of Title  
30 26, Section 501(c)(3) of the United States Code.

31 (Source: P.A. 92-445, eff. 8-17-01; 92-651, eff. 7-11-02;  
32 92-845, eff. 1-1-03.)

33 (625 ILCS 5/3-653)

1           Sec. 3-653. Pet Friendly license plates.

2           (a) The Secretary, upon receipt of an application made  
3 in the form prescribed by the Secretary, may issue special  
4 registration plates designated as Pet Friendly license  
5 plates. The special plates issued under this Section shall  
6 be affixed only to passenger vehicles of the first division,  
7 motor vehicles of the second division weighing not more than  
8 8,000 pounds, and recreational vehicles as defined in Section  
9 1-169 of this Code. Plates issued under this Section shall  
10 expire according to the multi-year procedure established by  
11 Section 3-414.1 of this Code.

12           (b) The design and color of the plates is wholly within  
13 the discretion of the Secretary, except that the phrase "I am  
14 pet friendly" shall be on the plates. The Secretary may  
15 allow the plates to be issued as vanity plates or  
16 personalized plates under Section 3-405.1 of the Code. The  
17 Secretary shall prescribe stickers or decals as provided  
18 under Section 3-412 of this Code.

19           (c) An applicant for the special plate shall be charged  
20 a \$40 fee for original issuance in addition to the  
21 appropriate registration fee. Of this additional fee, \$25  
22 shall be deposited into the Pet Overpopulation Control Fund  
23 and \$15 shall be deposited into the Secretary of State  
24 Special License Plate Fund, to be used by the Secretary to  
25 help defray the administrative processing costs.

26           For each registration renewal period, a \$27 fee, in  
27 addition to the appropriate registration fee, shall be  
28 charged. Of this additional fee, \$25 shall be deposited into  
29 the Pet Overpopulation Control Fund and \$2 shall be deposited  
30 into the Secretary of State Special License Plate Fund.

31           (d) The Pet Overpopulation Control Fund is created as a  
32 special fund in the State treasury. All moneys in the Pet  
33 Overpopulation Control Fund shall be paid, subject to  
34 appropriation by the General Assembly and approval by the

1 Secretary, as grants to humane societies exempt from federal  
2 income taxation under Section 501(c)(3) of the Internal  
3 Revenue Code to be used solely for the humane sterilization  
4 of dogs and cats in the State of Illinois. In approving  
5 grants under this subsection (d), the Secretary shall  
6 consider recommendations for grants made by a volunteer board  
7 appointed by the Secretary that shall consist of 5 Illinois  
8 residents who are officers or directors of humane societies  
9 operating in different regions in Illinois.

10 (Source: P.A. 92-520, eff. 6-1-02; 92-651, eff. 7-11-02.)

11 (625 ILCS 5/3-654)

12 Sec. 3-654. Illinois Public Broadcasting System Stations  
13 special license plates.

14 (a) The Secretary, upon receipt of all applicable fees  
15 and applications made in the form prescribed by the  
16 Secretary, may issue special registration plates designated  
17 as Illinois Public Broadcasting System Stations special  
18 license plates. The special plates issued under this Section  
19 shall be affixed only to passenger vehicles of the first  
20 division or motor vehicles of the second division weighing  
21 not more than 8,000 pounds. Plates issued under this Section  
22 shall expire according to the multi-year procedure  
23 established by Section 3-414.1 of this Code.

24 (b) The design and color of the special plates shall be  
25 wholly within the discretion of the Secretary. The  
26 Secretary may, in his or her discretion, allow the plates to  
27 be issued as vanity or personalized plates in accordance with  
28 Section 3-405.1 of this Code. The plates are not required to  
29 designate "Land of Lincoln", as prescribed in subsection (b)  
30 of Section 3-412 of this Code. The Secretary, in his or her  
31 discretion, shall approve and prescribe stickers or decals as  
32 provided under Section 3-412.

33 (c) An applicant for the special plate shall be charged

1 a \$40 fee for original issuance in addition to the  
2 appropriate registration fee. Of this fee, \$25 shall be  
3 deposited into the Public Broadcasting Fund and \$15 shall be  
4 deposited into the Secretary of State Special License Plate  
5 Fund, to be used by the Secretary to help defray the  
6 administrative processing costs.

7 For each registration renewal period, a \$27 fee, in  
8 addition to the appropriate registration fee, shall be  
9 charged. Of this fee, \$25 shall be deposited into the Public  
10 Broadcasting Fund and \$2 shall be deposited into the  
11 Secretary of State Special License Plate Fund.

12 (d) The Public Broadcasting Fund is created as a special  
13 fund in the State treasury. Subject to appropriation by the  
14 General Assembly and approval by the Secretary, the Secretary  
15 shall pay all moneys in the Public Broadcasting Fund to the  
16 various Public Broadcasting System stations in Illinois for  
17 operating costs.

18 (Source: P.A. 92-695, eff. 1-1-03.)

19 (625 ILCS 5/3-655)

20 Sec. 3-655 3-648. Hospice license plates.

21 (a) The Secretary, upon receipt of an application made  
22 in the form prescribed by the Secretary, may issue special  
23 registration plates designated as Hospice license plates.  
24 The special plates issued under this Section shall be affixed  
25 only to passenger vehicles of the first division and motor  
26 vehicles of the second division weighing not more than 8,000  
27 pounds. Plates issued under this Section shall expire  
28 according to the multi-year procedure established by Section  
29 3-414.1 of this Code.

30 (b) The color of the plates is wholly within the  
31 discretion of the Secretary. The design of the plates shall  
32 include the word "Hospice" above drawings of two lilies and a  
33 butterfly. The Secretary may allow the plates to be issued as

1 vanity plates or personalized under Section 3-405.1 of the  
2 Code. The Secretary shall prescribe stickers or decals as  
3 provided under Section 3-412 of this Code.

4 (c) An applicant for the special plate shall be charged  
5 a \$25 fee for original issuance in addition to the  
6 appropriate registration fee. Of this fee, \$10 shall be  
7 deposited into the Hospice Fund and \$15 shall be deposited  
8 into the Secretary of State Special License Plate Fund, to be  
9 used by the Secretary to help defray the administrative  
10 processing costs.

11 For each registration renewal period, a \$25 fee, in  
12 addition to the appropriate registration fee, shall be  
13 charged. Of this fee, \$23 shall be deposited into the  
14 Hospice Fund and \$2 shall be deposited into the Secretary of  
15 State Special License Plate Fund.

16 (d) The Hospice Fund is created as a special fund in the  
17 State treasury. All money in the Hospice Fund shall be paid,  
18 subject to appropriation by the General Assembly and approval  
19 by the Secretary, to the Department of Public Health for  
20 distribution as grants for hospice services as defined in the  
21 Hospice Program Licensing Act. The Director of Public Health  
22 shall adopt rules for the distribution of these grants.

23 (Source: P.A. 92-693, eff. 1-1-03; revised 8-23-02.)

24 (625 ILCS 5/3-656)

25 Sec. 3-656 3-653. Lewis and Clark Bicentennial license  
26 plates.

27 (a) In addition to any other special license plate, the  
28 Secretary, upon receipt of all applicable fees and  
29 applications made in the form prescribed by the Secretary of  
30 State, may issue special registration plates designated as  
31 Lewis and Clark Bicentennial license plates to residents of  
32 Illinois. The special plate issued under this Section shall  
33 be affixed only to passenger vehicles of the first division,

1 motor vehicles of the second division weighing not more than  
2 8,000 pounds, and recreational vehicles as defined by Section  
3 1-169 of this Code. Plates issued under this Section shall  
4 expire according to the staggered multi-year procedure  
5 established by Section 3-414.1 of this Code.

6 (b) The Secretary of State shall confer with the  
7 Governor's Illinois Lewis and Clark Bicentennial Commission  
8 regarding the design, color, and format of the plates. The  
9 Secretary may, in his or her discretion, allow the plates to  
10 be issued as vanity or personalized plates in accordance with  
11 Section 3-405.1 of this Code. The plates are not required to  
12 designate "Land Of Lincoln", as prescribed in subsection (b)  
13 of Section 3-412 of this Code. The Secretary, in his or her  
14 discretion, shall approve and prescribe stickers or decals as  
15 provided under Section 3-412.

16 (c) An applicant shall be charged a \$40 fee for original  
17 issuance in addition to the applicable registration fee. Of  
18 this additional fee, \$15 shall be deposited into the  
19 Secretary of State Special License Plate Fund and \$25 shall  
20 be deposited into the Lewis and Clark Bicentennial Fund. For  
21 each registration renewal period, a \$27 fee, in addition to  
22 the appropriate registration fee, shall be charged. Of this  
23 additional fee, \$2 shall be deposited into the Secretary of  
24 State Special License Plate Fund and \$25 shall be deposited  
25 into the Lewis and Clark Bicentennial Fund.

26 (d) The Secretary of State shall issue special license  
27 plates under this Section on and before September 1, 2008.  
28 The Secretary may not issue special plates under this Section  
29 after September 1, 2008.

30 (e) The Lewis and Clark Bicentennial Fund is created as  
31 a special fund in the State treasury. All moneys in the Lewis  
32 and Clark Bicentennial Fund shall, subject to appropriation  
33 by the General Assembly and approval by the Secretary, be  
34 used by the Department of Commerce and Community Affairs to

1 promote tourism and education related to the Lewis and Clark  
2 Expedition and for historic preservation purposes related to  
3 the Expedition.

4 The State Treasurer shall transfer any moneys remaining  
5 in the Lewis and Clark Bicentennial Fund on September 1, 2009  
6 and any moneys received for deposit into that Fund on or  
7 after September 1, 2009 into the Secretary of State Special  
8 License Plate Fund.

9 (Source: P.A. 92-694, eff. 1-1-03; revised 8-23-02.)

10 (625 ILCS 5/3-657)

11 Sec. 3-657 3-654. Park District Youth Program license  
12 plates.

13 (a) In addition to any other special license plate, the  
14 Secretary, upon receipt of all applicable fees and  
15 applications made in the form prescribed by the Secretary of  
16 State, may issue Park District Youth Program license plates.  
17 The special Park District Youth Program plate issued under  
18 this Section shall be affixed only to passenger vehicles of  
19 the first division and motor vehicles of the second division  
20 weighing not more than 8,000 pounds. Plates issued under this  
21 Section shall expire according to the staggered multi-year  
22 procedure established by Section 3-414.1 of this Code.

23 (b) The design, color, and format of the plates shall be  
24 wholly within the discretion of the Secretary of State.  
25 Appropriate documentation, as determined by the Secretary,  
26 must accompany each application. The Secretary, in his or her  
27 discretion, shall approve and prescribe stickers or decals as  
28 provided under Section 3-412.

29 (c) An applicant for the special plate shall be charged  
30 a \$40 fee for original issuance in addition to the  
31 appropriate registration fee. Of this fee, \$25 shall be  
32 deposited into the Park District Youth Program Fund and \$15  
33 shall be deposited into the Secretary of State Special

1 License Plate Fund, to be used by the Secretary to help  
2 defray the administrative processing costs.

3 For each registration renewal period, a \$27 fee, in  
4 addition to the appropriate registration fee, shall be  
5 charged. Of this fee, \$25 shall be deposited into the Park  
6 District Youth Program Fund and \$2 shall be deposited into  
7 the Secretary of State Special License Plate Fund.

8 (d) The Park District Youth Program Fund is created as a  
9 special fund in the State treasury. All money in the Park  
10 District Youth Program Fund shall be paid, subject to  
11 appropriation by the General Assembly and approval by the  
12 Secretary, as grants to the Illinois Association of Park  
13 Districts, a not-for-profit corporation, for grants to park  
14 districts and recreation agencies providing innovative after  
15 school programming for Illinois youth.

16 (Source: P.A. 92-697, eff. 7-19-02; revised 8-23-02.)

17 (625 ILCS 5/3-658)

18 Sec. 3-658 3-654. Professional Sports Teams license  
19 plates.

20 (a) The Secretary, upon receipt of an application made  
21 in the form prescribed by the Secretary, may issue special  
22 registration plates designated as Professional Sports Teams  
23 license plates. The special plates issued under this Section  
24 shall be affixed only to passenger vehicles of the first  
25 division and motor vehicles of the second division weighing  
26 not more than 8,000 pounds. Plates issued under this Section  
27 shall expire according to the multi-year procedure  
28 established by Section 3-414.1 of this Code.

29 (b) The design and color of the plates is wholly within  
30 the discretion of the Secretary, except that the plates  
31 shall, subject to the permission of the applicable team  
32 owner, display the logo of the Chicago Bears, the Chicago  
33 Bulls, the Chicago Blackhawks Blaek-Hawks, the Chicago Cubs,



1 the Chicago White Sox, the St. Louis Rams, or the St. Louis  
2 Cardinals, at the applicant's option. The Secretary may  
3 allow the plates to be issued as vanity or personalized  
4 plates under Section 3-405.1 of the Code. The Secretary  
5 shall prescribe stickers or decals as provided under Section  
6 3-412 of this Code.

7 (c) An applicant for the special plate shall be charged  
8 a \$40 fee for original issuance in addition to the  
9 appropriate registration fee. Of this fee, \$25 shall be  
10 deposited into the Professional Sports Teams Education Fund  
11 and \$15 shall be deposited into the Secretary of State  
12 Special License Plate Fund, to be used by the Secretary to  
13 help defray the administrative processing costs.

14 For each registration renewal period, a \$27 fee, in  
15 addition to the appropriate registration fee, shall be  
16 charged. Of this fee, \$25 shall be deposited into the  
17 Professional Sports Teams Education Fund and \$2 shall be  
18 deposited into the Secretary of State Special License Plate  
19 Fund.

20 (d) The Professional Sports Teams Education Fund is  
21 created as a special fund in the State treasury. All moneys  
22 in the Professional Sports Teams Education Fund shall,  
23 subject to appropriation by the General Assembly and approval  
24 by the Secretary, be deposited every 6 months into the Common  
25 School Fund.

26 (Source: P.A. 92-699, eff. 1-1-03; revised 10-28-02.)

27 (625 ILCS 5/3-659)

28 Sec. 3-659 3-654. Pan Hellenic license plates.

29 (a) The Secretary, upon receipt of all applicable fees  
30 and applications made in the form prescribed by the  
31 Secretary, may issue special registration plates designated  
32 as Pan Hellenic license plates. The special plates issued  
33 under this Section shall be affixed only to passenger

1 vehicles of the first division or motor vehicles of the  
2 second division weighing not more than 8,000 pounds. Plates  
3 issued under this Section shall expire according to the  
4 multi-year procedure established by Section 3-414.1 of this  
5 Code.

6 (b) The design and color of the special plates shall be  
7 wholly within the discretion of the Secretary, except that an  
8 emblem of a Pan Hellenic eligible member shall be on the  
9 plate. Appropriate documentation, as determined by the  
10 Secretary, shall accompany each application. The Secretary  
11 may, in his or her discretion, allow the plates to be issued  
12 as vanity or personalized plates in accordance with Section  
13 3-405.1 of this Code. The plates are not required to  
14 designate "Land of Lincoln" as prescribed in subsection (b)  
15 of Section 3-412 of this Code. The Secretary, in his or her  
16 discretion, may prescribe rules governing the requirements  
17 and approval of the special plates.

18 (c) An applicant for the special plate shall be charged  
19 a \$40 fee for original issuance in addition to the  
20 appropriate registration fee. Of this fee, \$25 shall be  
21 deposited into the Illinois Pan Hellenic Trust Fund and \$15  
22 shall be deposited into the Secretary of State Special  
23 License Plate Fund, to be used by the Secretary to help  
24 defray the administrative processing costs. For each  
25 registration renewal period, a \$27 fee, in addition to the  
26 appropriate registration fee, shall be charged. Of this fee,  
27 \$25 shall be deposited into the Illinois Pan Hellenic Trust  
28 Fund and \$2 shall be deposited into the Secretary of State  
29 Special License Plate Fund.

30 (d) The Illinois Pan Hellenic Trust Fund is created as a  
31 special fund in the State Treasury. The State Treasurer shall  
32 create separate accounts within the Illinois Pan Hellenic  
33 Trust Fund for each eligible member for which Pan Hellenic  
34 license plates have been issued. Moneys in the Illinois Pan

1 Hellenic Trust Fund shall be allocated to each account in  
2 proportion to the number of plates sold in regard to each  
3 fraternity or sorority. All moneys in the Illinois Pan  
4 Hellenic Trust Fund shall be distributed, subject to  
5 appropriation by the General Assembly and approval by the  
6 Secretary, as grants to the Illinois Alpha Kappa Alpha  
7 Charitable Foundation, Illinois Delta Sigma Theta Charitable  
8 Foundation, Illinois Zeta Phi Beta Charitable Foundation,  
9 Illinois Sigma Gamma Rho Charitable Foundation, Illinois  
10 Alpha Phi Alpha Charitable Foundation, Illinois Omega Psi Phi  
11 Charitable Foundation, Illinois Kappa Alpha Psi Charitable  
12 Foundation, Illinois Phi Beta Sigma Charitable Foundation, or  
13 Illinois Iota Phi Theta Charitable Foundation for charitable  
14 purposes sponsored by the African-American fraternity or  
15 sorority.

16 (Source: P.A. 92-702, eff. 1-1-03; revised 8-23-02.)

17 (625 ILCS 5/3-660)

18 Sec. 3-660 3-653. September 11th license plates.

19 (a) Beginning on September 11, 2002, the Secretary, upon  
20 receipt of all applicable fees and applications made in the  
21 form prescribed by the Secretary, may issue special  
22 registration plates designated as September 11th license  
23 plates.

24 The special plates issued under this Section shall be  
25 affixed only to passenger vehicles of the first division or  
26 motor vehicles of the second division weighing not more than  
27 8,000 pounds.

28 Plates issued under this Section shall expire according  
29 to the multi-year procedure established by Section 3-414.1 of  
30 this Code.

31 (b) The design and color of the special plates shall be  
32 wholly within the discretion of the Secretary. The Secretary  
33 may allow the plates to be issued as vanity or personalized

1 plates under Section 3-405.1 of this Code. The Secretary  
2 shall prescribe stickers or decals as provided under Section  
3 3-412 of this Code.

4 (c) An applicant for the special plate shall be charged  
5 a \$40 fee for original issuance in addition to the  
6 appropriate registration fee. Of this fee, \$25 shall be  
7 deposited into the September 11th Fund and \$15 shall be  
8 deposited into the Secretary of State Special License Plate  
9 Fund, to be used by the Secretary to help defray the  
10 administrative processing costs.

11 For each registration renewal period, a \$27 fee, in  
12 addition to the appropriate registration fee, shall be  
13 charged. Of this fee, \$25 shall be deposited into the  
14 September 11th Fund and \$2 shall be deposited into the  
15 Secretary of State Special License Plate Fund.

16 (d) The September 11th Fund is created as a special fund  
17 in the State treasury. Subject to appropriation by the  
18 General Assembly and approval by the Secretary, the Director  
19 of Commerce and Community Affairs shall pay all moneys in the  
20 September 11th Fund as grants to aid victims of terrorism and  
21 as grants to local governments to cover the costs of  
22 training, equipment, and other items related to public safety  
23 initiatives intended to prevent further acts of terrorism or  
24 to respond to further acts of terrorism or other disasters or  
25 emergency situations in Illinois.

26 (Source: P.A. 92-704, eff. 7-19-02; revised 8-23-02.)

27 (625 ILCS 5/3-661)

28 Sec. 3-661 3-653. Illinois Route 66 license plates.

29 (a) The Secretary, upon receipt of all applicable fees  
30 and applications made in the form prescribed by the  
31 Secretary, may issue special registration plates designated  
32 as Illinois Route 66 license plates. The special plates  
33 issued under this Section shall be affixed only to passenger

1 vehicles of the first division or motor vehicles of the  
2 second division weighing not more than 8,000 pounds. Plates  
3 issued under this Section shall expire according to the  
4 multi-year procedure established by Section 3-414.1 of this  
5 Code.

6 (b) The design and color of the special plates shall be  
7 wholly within the discretion of the Secretary. The Secretary  
8 may, in his or her discretion, allow the plates to be issued  
9 as vanity or personalized plates in accordance with Section  
10 3-405.1 of this Code. The plates are not required to  
11 designate "Land of Lincoln", as prescribed in subsection (b)  
12 of Section 3-412 of this Code. The Secretary, in his or her  
13 discretion, shall approve and prescribe stickers or decals as  
14 provided under Section 3-412.

15 (c) An applicant for the special plate shall be charged  
16 a \$40 fee for original issuance in addition to the  
17 appropriate registration fee. Of this fee, \$25 shall be  
18 deposited into the Illinois Route 66 Heritage Project Fund  
19 and \$15 shall be deposited into the Secretary of State  
20 Special License Plate Fund, to be used by the Secretary to  
21 help defray the administrative processing costs.

22 For each registration renewal period, a \$27 fee, in  
23 addition to the appropriate registration fee, shall be  
24 charged. Of this fee, \$25 shall be deposited into the  
25 Illinois Route 66 Heritage Project Fund and \$2 shall be  
26 deposited into the Secretary of State Special License Plate  
27 Fund.

28 (d) The Illinois Route 66 Heritage Project Fund is  
29 created as a special fund in the State treasury. Subject to  
30 appropriation by the General Assembly and approval by the  
31 Secretary, Illinois Route 66 Heritage Project, Inc. shall use  
32 all moneys in the Illinois Route 66 Heritage Project Fund for  
33 the development of tourism, through education and  
34 interpretation, preservation, and promotion of the former

1 U.S. Route 66 in Illinois.

2 (Source: P.A. 92-706, eff. 1-1-03; revised 8-23-02.)

3 (625 ILCS 5/3-662)

4 Sec. ~~3-662~~ 3-654. Stop Neuroblastoma license plates.

5 (a) The Secretary, upon receipt of an application made  
6 in the form prescribed by the Secretary, may issue special  
7 registration plates designated as Stop Neuroblastoma license  
8 plates. The special plates issued under this Section shall be  
9 affixed only to passenger vehicles of the first division and  
10 motor vehicles of the second division weighing not more than  
11 8,000 pounds. Plates issued under this Section shall expire  
12 according to the multi-year procedure established by Section  
13 3-414.1 of this Code.

14 (b) The design and color of the plates is wholly within  
15 the discretion of the Secretary, except that the following  
16 phrases shall be on the plates: (i) "Stop Neuroblastoma" and  
17 (ii) "Stop Cancer". The Secretary may allow the plates to be  
18 issued as vanity plates or personalized under Section 3-405.1  
19 of this Code. The Secretary shall prescribe stickers or  
20 decals as provided under Section 3-412 of this Code.

21 (c) An applicant for the special plate shall be charged  
22 a \$25 fee for original issuance in addition to the  
23 appropriate registration fee. Of this fee, \$10 shall be  
24 deposited into the Stop Neuroblastoma Fund and \$15 shall be  
25 deposited into the Secretary of State Special License Plate  
26 Fund, to be used by the Secretary to help defray the  
27 administrative processing costs.

28 For each registration renewal period, a \$25 fee, in  
29 addition to the appropriate registration fee, shall be  
30 charged. Of this fee, \$23 shall be deposited into the Stop  
31 Neuroblastoma Fund and \$2 shall be deposited into the  
32 Secretary of State Special License Plate Fund.

33 (d) The Stop Neuroblastoma Fund is created as a special

1 fund in the State treasury. All money in the Stop  
2 Neuroblastoma Fund shall be paid, subject to appropriation by  
3 the General Assembly and approval by the Secretary, as grants  
4 to the American Cancer Society for neuroblastoma and cancer  
5 research, education, screening, and treatment.

6 (Source: P.A. 92-711, eff. 7-19-02; revised 8-23-02.)

7 (625 ILCS 5/3-803) (from Ch. 95 1/2, par. 3-803)

8 Sec. 3-803. Reductions.

9 (a) Reduction of fees and taxes prescribed in this  
10 Chapter shall be applicable only to vehicles newly-acquired  
11 by the owner after the beginning of a registration period or  
12 which become subject to registration after the beginning of a  
13 registration period as specified in this Act. The Secretary  
14 of State may deny a reduction as to any vehicle operated in  
15 this State without being properly and timely registered in  
16 Illinois under this Chapter, of a vehicle in violation of any  
17 provision of this Chapter, or upon detection of such  
18 violation by an audit, or upon determining that such vehicle  
19 was operated in Illinois before such violation. Bond or  
20 other security in the proper amount may be required by the  
21 Secretary of State while the matter is under investigation.  
22 Reductions shall be granted if a person becomes the owner  
23 after the dates specified or if a vehicle becomes subject to  
24 registration under this Act, as amended, after the dates  
25 specified.

26 (b) Vehicles of the First Division. The annual fees and  
27 taxes prescribed by Section 3-806 shall be reduced by 50% on  
28 and after June 15, except as provided in Sections 3-414 and  
29 3-802 of this Act.

30 (c) Vehicles of the Second Division. The annual fees  
31 and taxes prescribed by Sections 3-402, 3-402.1, 3-815 and  
32 3-819 and paid on a calendar year for such vehicles shall be  
33 reduced on a quarterly basis if the vehicle becomes subject

1 to registration on and after March 31, June 30 or September  
2 30. Where such fees and taxes are payable on a fiscal year  
3 basis, they shall be reduced on a quarterly basis on and  
4 after September 30, December 31 or March 31.

5 (d) Two-year Registrations. The fees and taxes  
6 prescribed by Section 3-808 for 2-year registrations shall  
7 not be reduced in any event. However, the fees and taxes  
8 prescribed for all other 2-year registrations by this Act,  
9 shall be reduced as follows:

10 By 25% on and after June 15;

11 By 50% on and after December 15;

12 By 75% on and after the next ensuing June 15.

13 (e) The registration fees and taxes imposed upon certain  
14 vehicles shall not be reduced by any amount in any event in  
15 the following instances:

16 Permits under Sections 3-403 and 3-811;

17 Municipal Buses under Section 3-807;

18 Governmental or charitable vehicles under Section 3-808;

19 Farm Machinery under Section 3-809;

20 Soil and conservation equipment under Section 3-809.1;

21 Special Plates under Section 3-810;

22 Permanently mounted equipment under Section 3-812;

23 Registration fee under Section 3-813;

24 Semitrailer fees under Section 3-814;

25 Farm trucks under Section 3-815;

26 Mileage weight tax option under Section 3-818;

27 Farm trailers under Section 3-819;

28 Duplicate plates under Section 3-820;

29 Fees under Section 3-821;

30 Security Fees under Section 3-822;

31 Search Fees under Section 3-823.

32 (f) The reductions provided for shall not apply to any  
33 vehicle of the first or second division registered by the  
34 same applicant in the prior registration year.



1       The changes to this Section made by Public Act 84-210  
2       take This--bill--takes effect with the 1986 Calendar  
3       Registration Year.

4       (g) Reductions shall in no event result in payment of a  
5       fee or tax less than \$6, and the Secretary of State shall  
6       promulgate schedules of fees reflecting applicable  
7       reductions. Where any reduced amount is not stated in full  
8       dollars, the Secretary of State may adjust the amount due to  
9       the nearest full dollar amount.

10       (h) The reductions provided for in subsections (a)  
11       through (g) of this Section shall not apply to those vehicles  
12       of the first or second division registered on a staggered  
13       registration basis.

14       (i) A vehicle which becomes subject to registration  
15       during the last month of the current registration year is  
16       exempt from any applicable reduced fourth quarter or second  
17       semiannual registration fee, and may register for the  
18       subsequent registration year as its initial registration.  
19       This subsection does not include those apportioned and  
20       prorated fees under Sections 3-402 and 3-402.1 of this Code.  
21       (Source: P.A. 84-1311; revised 2-25-02.)

22       (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

23       Sec. 6-206. Discretionary authority to suspend or revoke  
24       license or permit; Right to a hearing.

25       (a) The Secretary of State is authorized to suspend or  
26       revoke the driving privileges of any person without  
27       preliminary hearing upon a showing of the person's records or  
28       other sufficient evidence that the person:

29             1. Has committed an offense for which mandatory  
30             revocation of a driver's license or permit is required  
31             upon conviction;

32             2. Has been convicted of not less than 3 offenses  
33             against traffic regulations governing the movement of

1 vehicles committed within any 12 month period. No  
2 revocation or suspension shall be entered more than 6  
3 months after the date of last conviction;

4 3. Has been repeatedly involved as a driver in  
5 motor vehicle collisions or has been repeatedly convicted  
6 of offenses against laws and ordinances regulating the  
7 movement of traffic, to a degree that indicates lack of  
8 ability to exercise ordinary and reasonable care in the  
9 safe operation of a motor vehicle or disrespect for the  
10 traffic laws and the safety of other persons upon the  
11 highway;

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

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

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

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

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

34 9. Has made a false statement or knowingly

1 concealed a material fact or has used false information  
2 or identification in any application for a license,  
3 identification card, or permit;

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

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

14 12. Has submitted to any portion of the application  
15 process for another person or has obtained the services  
16 of another person to submit to any portion of the  
17 application process for the purpose of obtaining a  
18 license, identification card, or permit for some other  
19 person;

20 13. Has operated a motor vehicle upon a highway of  
21 this State when the person's driver's license or permit  
22 was invalid under the provisions of Sections 6-107.1 and  
23 6-110;

24 14. Has committed a violation of Section 6-301,  
25 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or  
26 14B of the Illinois Identification Card Act;

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

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

33 17. Has refused to submit to a test, or tests, as  
34 required under Section 11-501.1 of this Code and the

1 person has not sought a hearing as provided for in  
2 Section 11-501.1;

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

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

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

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

15 22. Has used a motor vehicle in violating paragraph  
16 (3), (4), (7), or (9) of subsection (a) of Section 24-1  
17 of the Criminal Code of 1961 relating to unlawful use of  
18 weapons, in which case the suspension shall be for one  
19 year;

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

24 24. Has been convicted by a court-martial or  
25 punished by non-judicial punishment by military  
26 authorities of the United States at a military  
27 installation in Illinois of or for a traffic related  
28 offense that is the same as or similar to an offense  
29 specified under Section 6-205 or 6-206 of this Code;

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

34 26. Has altered or attempted to alter a license or

1 has possessed an altered license, identification card, or  
2 permit;

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

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

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

1 be suspended for one year;

2 30. Has been convicted a second or subsequent time  
3 for any combination of the offenses named in paragraph 29  
4 of this subsection, in which case the person's driving  
5 privileges shall be suspended for 5 years;

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

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

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

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

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

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

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

3           38. Has been convicted of a violation of Section  
4 6-20 of the Liquor Control Act of 1934 or a similar  
5 provision of a local ordinance; or-

6           39. ~~38.~~ Has committed a second or subsequent  
7 violation of Section 11-1201 of this Code.

8           For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
9 and 27 of this subsection, license means any driver's  
10 license, any traffic ticket issued when the person's driver's  
11 license is deposited in lieu of bail, a suspension notice  
12 issued by the Secretary of State, a duplicate or corrected  
13 driver's license, a probationary driver's license or a  
14 temporary driver's license.

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

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

31           2. If the Secretary of State suspends the driver's  
32 license of a person under subsection 2 of paragraph (a)  
33 of this Section, a person's privilege to operate a  
34 vehicle as an occupation shall not be suspended, provided

1 an affidavit is properly completed, the appropriate fee  
2 received, and a permit issued prior to the effective date  
3 of the suspension, unless 5 offenses were committed, at  
4 least 2 of which occurred while operating a commercial  
5 vehicle in connection with the driver's regular  
6 occupation. All other driving privileges shall be  
7 suspended by the Secretary of State. Any driver prior to  
8 operating a vehicle for occupational purposes only must  
9 submit the affidavit on forms to be provided by the  
10 Secretary of State setting forth the facts of the  
11 person's occupation. The affidavit shall also state the  
12 number of offenses committed while operating a vehicle in  
13 connection with the driver's regular occupation. The  
14 affidavit shall be accompanied by the driver's license.  
15 Upon receipt of a properly completed affidavit, the  
16 Secretary of State shall issue the driver a permit to  
17 operate a vehicle in connection with the driver's regular  
18 occupation only. Unless the permit is issued by the  
19 Secretary of State prior to the date of suspension, the  
20 privilege to drive any motor vehicle shall be suspended  
21 as set forth in the notice that was mailed under this  
22 Section. If an affidavit is received subsequent to the  
23 effective date of this suspension, a permit may be issued  
24 for the remainder of the suspension period.

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

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



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

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

31           If a person's license or permit has been revoked or  
32 suspended 2 or more times within a 10 year period due to  
33 a single conviction of violating Section 11-501 of this  
34 Code or a similar provision of a local ordinance or a

1 similar out-of-state offense, and a statutory summary  
2 suspension under Section 11-501.1, or 2 or more statutory  
3 summary suspensions, or combination of 2 offenses, or of  
4 an offense and a statutory summary suspension, arising  
5 out of separate occurrences, that person, if issued a  
6 restricted driving permit, may not operate a vehicle  
7 unless it has been equipped with an ignition interlock  
8 device as defined in Section 1-129.1. The person must  
9 pay to the Secretary of State DUI Administration Fund an  
10 amount not to exceed \$20 per month. The Secretary shall  
11 establish by rule the amount and the procedures, terms,  
12 and conditions relating to these fees. If the restricted  
13 driving permit was issued for employment purposes, then  
14 this provision does not apply to the operation of an  
15 occupational vehicle owned or leased by that person's  
16 employer. In each case the Secretary may issue a  
17 restricted driving permit for a period deemed  
18 appropriate, except that all permits shall expire within  
19 one year from the date of issuance. The Secretary may  
20 not, however, issue a restricted driving permit to any  
21 person whose current revocation is the result of a second  
22 or subsequent conviction for a violation of Section  
23 11-501 of this Code or a similar provision of a local  
24 ordinance relating to the offense of operating or being  
25 in physical control of a motor vehicle while under the  
26 influence of alcohol, other drug or drugs, intoxicating  
27 compound or compounds, or any similar out-of-state  
28 offense, or any combination of those offenses, until the  
29 expiration of at least one year from the date of the  
30 revocation. A restricted driving permit issued under  
31 this Section shall be subject to cancellation,  
32 revocation, and suspension by the Secretary of State in  
33 like manner and for like cause as a driver's license  
34 issued under this Code may be cancelled, revoked, or

1 suspended; except that a conviction upon one or more  
2 offenses against laws or ordinances regulating the  
3 movement of traffic shall be deemed sufficient cause for  
4 the revocation, suspension, or cancellation of a  
5 restricted driving permit. The Secretary of State may,  
6 as a condition to the issuance of a restricted driving  
7 permit, require the applicant to participate in a  
8 designated driver remedial or rehabilitative program.  
9 The Secretary of State is authorized to cancel a  
10 restricted driving permit if the permit holder does not  
11 successfully complete the program.

12 (c-5) The Secretary of State may, as a condition of the  
13 reissuance of a driver's license or permit to an applicant  
14 whose driver's license or permit has been suspended before he  
15 or she reached the age of 18 years pursuant to any of the  
16 provisions of this Section, require the applicant to  
17 participate in a driver remedial education course and be  
18 retested under Section 6-109 of this Code.

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

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

25 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;  
26 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.  
27 1-1-03; 92-814, eff. 1-1-03; revised 8-26-02.)

28 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

29 Sec. 6-500. Definitions of words and phrases.  
30 Notwithstanding the definitions set forth elsewhere in this  
31 Code, for purposes of the Uniform Commercial Driver's License  
32 Act (UCDLA), the words and phrases listed below have the  
33 meanings ascribed to them as follows:

1 (1) Alcohol. "Alcohol" means any substance containing  
2 any form of alcohol, including but not limited to ethanol,  
3 methanol, propanol, and isopropanol.

4 (2) Alcohol concentration. "Alcohol concentration"  
5 means:

6 (A) the number of grams of alcohol per 210 liters  
7 of breath; or

8 (B) the number of grams of alcohol per 100  
9 milliliters of blood; or

10 (C) the number of grams of alcohol per 67  
11 milliliters of urine.

12 Alcohol tests administered within 2 hours of the driver  
13 being "stopped or detained" shall be considered that driver's  
14 "alcohol concentration" for the purposes of enforcing this  
15 UCDLA.

16 (3) (Blank).

17 (4) (Blank).

18 (5) (Blank).

19 (6) Commercial Motor Vehicle.

20 (A) "Commercial motor vehicle" means a motor  
21 vehicle, except those referred to in subdivision (B),  
22 designed to transport passengers or property if:

23 (i) the vehicle has a GVWR of 26,001 pounds or  
24 more or such a lesser GVWR as subsequently  
25 determined by federal regulations or the Secretary  
26 of State; or any combination of vehicles with a GCWR  
27 of 26,001 pounds or more, provided the GVWR of any  
28 vehicle or vehicles being towed is 10,001 pounds or  
29 more; or

30 (ii) the vehicle is designed to transport 16  
31 or more persons; or

32 (iii) the vehicle is transporting hazardous  
33 materials and is required to be placarded in  
34 accordance with 49 C.F.R. Part 172, subpart F.

1 (B) Pursuant to the interpretation of the  
2 Commercial Motor Vehicle Safety Act of 1986 by the  
3 Federal Highway Administration, the definition of  
4 "commercial motor vehicle" does not include:

5 (i) recreational vehicles, when operated  
6 primarily for personal use;

7 (ii) United States Department of Defense  
8 vehicles being operated by non-civilian personnel.  
9 This includes any operator on active military duty;  
10 members of the Reserves; National Guard; personnel  
11 on part-time training; and National Guard military  
12 technicians (civilians who are required to wear  
13 military uniforms and are subject to the Code of  
14 Military Justice); or

15 (iii) firefighting and other emergency  
16 equipment with audible and visual signals, owned or  
17 operated by or for a governmental entity, which is  
18 necessary to the preservation of life or property or  
19 the execution of emergency governmental functions  
20 which are normally not subject to general traffic  
21 rules and regulations.

22 (7) Controlled Substance. "Controlled substance" shall  
23 have the same meaning as defined in Section 102 of the  
24 Illinois Controlled Substances Act, and shall also include  
25 cannabis as defined in Section 3 of the Cannabis Control Act.

26 (8) Conviction. "Conviction" means an unvacated  
27 adjudication of guilt or a determination that a person has  
28 violated or failed to comply with the law in a court of  
29 original jurisdiction or an authorized administrative  
30 tribunal; an unvacated forfeiture of bail or collateral  
31 deposited to secure the person's appearance in court; the  
32 payment of a fine or court cost regardless of whether the  
33 imposition of sentence is deferred and ultimately a judgment  
34 dismissing the underlying charge is entered; or a violation

1 of a condition of release without bail, regardless of whether  
2 or not the penalty is rebated, suspended or probated.

3 (9) (Blank).

4 (10) (Blank).

5 (11) (Blank).

6 (12) (Blank).

7 (13) Driver. "Driver" means any person who drives,  
8 operates, or is in physical control of a commercial motor  
9 vehicle, or who is required to hold a CDL.

10 (14) Employee. "Employee" means a person who is  
11 employed as a commercial motor vehicle driver. A person who  
12 is self-employed as a commercial motor vehicle driver must  
13 comply with the requirements of this UCCLA pertaining to  
14 employees. An owner-operator on a long-term lease shall be  
15 considered an employee.

16 (15) Employer. "Employer" means a person (including the  
17 United States, a State or a local authority) who owns or  
18 leases a commercial motor vehicle or assigns employees to  
19 operate such a vehicle. A person who is self-employed as a  
20 commercial motor vehicle driver must comply with the  
21 requirements of this UCCLA.

22 (16) (Blank).

23 (17) Foreign jurisdiction. "Foreign jurisdiction" means  
24 a sovereign jurisdiction that does not fall within the  
25 definition of "State".

26 (18) (Blank).

27 (19) (Blank).

28 (20) Hazardous Material. Upon a finding by the United  
29 States Secretary of Transportation, in his or her discretion,  
30 under 49 App. U.S.C. 5103(a), that the transportation of a  
31 particular quantity and form of material in commerce may pose  
32 an unreasonable risk to health and safety or property, he or  
33 she shall designate the quantity and form of material or  
34 group or class of the materials as a hazardous material. The

1 materials so designated may include but are not limited to  
2 explosives, radioactive materials, etiologic agents,  
3 flammable liquids or solids, combustible liquids or solids,  
4 poisons, oxidizing or corrosive materials, and compressed  
5 gases.

6 (21) Long-term lease. "Long-term lease" means a lease  
7 of a commercial motor vehicle by the owner-lessor to a  
8 lessee, for a period of more than 29 days.

9 (22) Motor Vehicle. "Motor vehicle" means every vehicle  
10 which is self-propelled, and every vehicle which is propelled  
11 by electric power obtained from over head trolley wires but  
12 not operated upon rails, except vehicles moved solely by  
13 human power and motorized wheel chairs.

14 (23) Non-resident CDL. "Non-resident CDL" means a  
15 commercial driver's license issued by a state to an  
16 individual who is domiciled in a foreign jurisdiction.

17 (24) (Blank).

18 (25) (Blank).

19 (25.5) Railroad-Highway Grade Crossing Violation.  
20 "Railroad-highway grade crossing violation" means a  
21 violation, while operating a commercial motor vehicle, of any  
22 of the following:

23 (A) Section 11-1201, 11-1202, or 11-1425 of  
24 this Code.

25 (B) ~~(C)--(D)-(E)-(F)-(G)-(H)~~ Any other similar  
26 law or local ordinance of any state relating to  
27 railroad-highway grade crossing. ~~(A)-(G)~~

28 (26) Serious Traffic Violation. "Serious traffic  
29 violation" means:

30 (A) a conviction when operating a commercial motor  
31 vehicle of:

32 (i) a violation relating to excessive  
33 speeding, involving a single speeding charge of 15  
34 miles per hour or more above the legal speed limit;

1 or

2 (ii) a violation relating to reckless driving;

3 or

4 (iii) a violation of any State law or local  
5 ordinance relating to motor vehicle traffic control  
6 (other than parking violations) arising in  
7 connection with a fatal traffic accident; or

8 (iv) a violation of Section 6-501, relating to  
9 having multiple driver's licenses; or

10 (v) a violation of paragraph (a) of Section  
11 6-507, relating to the requirement to have a valid  
12 CDL; or

13 (vi) a violation relating to improper or  
14 erratic traffic lane changes; or

15 (vii) a violation relating to following  
16 another vehicle too closely; or

17 (B) any other similar violation of a law or local  
18 ordinance of any state relating to motor vehicle traffic  
19 control, other than a parking violation, which the  
20 Secretary of State determines by administrative rule to  
21 be serious.

22 (27) State. "State" means a state of the United States,  
23 the District of Columbia and any province or territory of  
24 Canada.

25 (28) (Blank).

26 (29) (Blank).

27 (30) (Blank).

28 (31) (Blank).

29 (Source: P.A. 92-249, eff. 1-1-02; 92-651, eff. 7-11-02;  
30 92-834, eff. 8-22-02; revised 8-26-02.)

31 (625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)

32 Sec. 11-605. Special speed limit while passing schools or  
33 while traveling through highway construction or maintenance



1 zones.

2 (a) For the purpose of this Section, "school" means the  
3 following entities:

4 (1) A public or private primary or secondary  
5 school.

6 (2) A primary or secondary school operated by a  
7 religious institution.

8 (3) A public, private, or religious nursery school.

9 On a school day when school children are present and so  
10 close thereto that a potential hazard exists because of the  
11 close proximity of the motorized traffic, no person shall  
12 drive a motor vehicle at a speed in excess of 20 miles per  
13 hour while passing a school zone or while traveling on a  
14 roadway on public school property or upon any public  
15 thoroughfare where children pass going to and from school.

16 For the purpose of this Section a school day shall begin  
17 at seven ante meridian and shall conclude at four post  
18 meridian.

19 This Section shall not be applicable unless appropriate  
20 signs are posted upon streets and highways under their  
21 respective jurisdiction and maintained by the Department,  
22 township, county, park district, city, village or  
23 incorporated town wherein the school zone is located. With  
24 regard to the special speed limit while passing schools, such  
25 signs shall give proper due warning that a school zone is  
26 being approached and shall indicate the school zone and the  
27 maximum speed limit in effect during school days when school  
28 children are present.

29 (b) No person shall operate a motor vehicle in a  
30 construction or maintenance zone at a speed in excess of the  
31 posted speed limit when workers are present and so close to  
32 the moving traffic that a potential hazard exists because of  
33 the motorized traffic.

34 (c) Nothing in this Chapter shall prohibit the use of

1 electronic speed-detecting devices within 500 feet of signs  
2 within a special school speed zone or a construction or  
3 maintenance zone indicating such zone, as defined in this  
4 Section, nor shall evidence obtained thereby be inadmissible  
5 in any prosecution for speeding provided the use of such  
6 device shall apply only to the enforcement of the speed limit  
7 in such special school speed zone or a construction or  
8 maintenance zone.

9 (d) For the purpose of this Section, a construction or  
10 maintenance zone is an area in which the Department, Toll  
11 Highway Authority, or local agency has determined that the  
12 preexisting established speed limit through a highway  
13 construction or maintenance project is greater than is  
14 reasonable or safe with respect to the conditions expected to  
15 exist in the construction or maintenance zone and has posted  
16 a lower speed limit with a highway construction or  
17 maintenance zone special speed limit sign.

18 Highway construction or maintenance zone special speed  
19 limit signs shall be of a design approved by the Department.  
20 The signs shall give proper due warning that a construction  
21 or maintenance zone is being approached and shall indicate  
22 the maximum speed limit in effect. The signs shall also  
23 state the amount of the minimum fine for a violation when  
24 workers are present.

25 (e) A first violation of this Section is a petty offense  
26 with a minimum fine of \$150. A second or subsequent  
27 violation of this Section is a petty offense with a minimum  
28 fine of \$300.

29 (f) When a fine for a violation of subsection (a) is  
30 \$150 or greater, the person who violates subsection (a) shall  
31 be charged an additional \$50 to be paid to the unit school  
32 district where the violation occurred for school safety  
33 purposes. If the violation occurred in a dual school  
34 district, \$25 of the surcharge shall be paid to the

1 elementary school district for school safety purposes and \$25  
2 of the surcharge shall be paid to the high school district  
3 for school safety purposes. Notwithstanding any other  
4 provision of law, the entire \$50 surcharge shall be paid to  
5 the appropriate school district or districts.

6 For purposes of this subsection (f), "school safety  
7 purposes" includes the costs associated with school zone  
8 safety education and the purchase, installation, and  
9 maintenance of caution lights which are mounted on school  
10 speed zone signs.

11 (g) When a fine for a violation of subsection (b) is  
12 \$150 or greater, the person who violates subsection (b) shall  
13 be charged an additional \$50. The \$50 surcharge shall be  
14 deposited into the Transportation Safety Highway Hire-back  
15 Fund.

16 (h) The Transportation Safety Highway Hire-back Fund is  
17 created as a special fund in the State treasury. Subject to  
18 appropriation by the General Assembly and approval by the  
19 Secretary, the Secretary of Transportation shall use all  
20 moneys in the Transportation Safety Highway Hire-back Fund to  
21 hire off-duty Department of State Police officers to monitor  
22 construction or maintenance zones.

23 (Source: P.A. 91-531, eff. 1-1-00; 92-242, eff. 1-1-02;  
24 92-619, eff. 1-1-03; 92-780, eff. 8-6-02; revised 8-22-02.)

25 (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)  
26 Sec. 11-1201. Obedience to signal indicating approach of  
27 train.

28 (a) Whenever any person driving a vehicle approaches a  
29 railroad grade crossing where the driver is not always  
30 required to stop, the person must exercise due care and  
31 caution as the existence of a railroad track across a highway  
32 is a warning of danger, and under any of the circumstances  
33 stated in this Section, the driver shall stop within 50 feet

1 but not less than 15 feet from the nearest rail of the  
2 railroad and shall not proceed until the tracks are clear and  
3 he or she can do so safely. The foregoing requirements shall  
4 apply when:

5 1. A clearly visible electric or mechanical signal  
6 device gives warning of the immediate approach of a  
7 railroad train;

8 2. A crossing gate is lowered or a human flagman  
9 gives or continues to give a signal of the approach or  
10 passage of a railroad train;

11 3. A railroad train approaching a highway crossing  
12 emits a warning signal and such railroad train, by reason  
13 of its speed or nearness to such crossing, is an  
14 immediate hazard;

15 4. An approaching railroad train is plainly visible  
16 and is in hazardous proximity to such crossing;

17 5. A railroad train is approaching so closely that  
18 an immediate hazard is created.

19 (a-5) Whenever a person driving a vehicle approaches a  
20 railroad grade crossing where the driver is not always  
21 required to stop but must slow down, the person must exercise  
22 due care and caution as the existence of a railroad track  
23 across a highway is a warning of danger, and under any of the  
24 circumstances stated in this Section, the driver shall slow  
25 down within 50 feet but not less than 15 feet from the  
26 nearest rail of the railroad and shall not proceed until he  
27 or she checks that the tracks are clear of an approaching  
28 train.

29 (b) No person shall drive any vehicle through, around or  
30 under any crossing gate or barrier at a railroad crossing  
31 while such gate or barrier is closed or is being opened or  
32 closed.

33 (c) The Department, and local authorities with the  
34 approval of the Department, are hereby authorized to

1 designate particularly dangerous highway grade crossings of  
2 railroads and to erect stop signs thereat. When such stop  
3 signs are erected the driver of any vehicle shall stop within  
4 50 feet but not less than 15 feet from the nearest rail of  
5 such railroad and shall proceed only upon exercising due  
6 care.

7 (d) At any railroad grade crossing provided with  
8 railroad crossbuck signs, without automatic, electric, or  
9 mechanical signal devices, crossing gates, or a human flagman  
10 giving a signal of the approach or passage of a train, the  
11 driver of a vehicle shall in obedience to the railroad  
12 crossbuck sign, yield the right-of-way and slow down to a  
13 speed reasonable for the existing conditions and shall stop,  
14 if required for safety, at a clearly marked stopped line, or  
15 if no stop line, within 50 feet but not less than 15 feet  
16 from the nearest rail of the railroad and shall not proceed  
17 until he or she can do so safely. If a driver is involved in  
18 a collision at a railroad crossing or interferes with the  
19 movement of a train after driving past the railroad crossbuck  
20 sign, the collision or interference is prima facie evidence  
21 of the driver's failure to yield right-of-way.

22 (d-1) No person shall, while driving a commercial motor  
23 vehicle, fail to negotiate a railroad-highway grade railroad  
24 crossing because of insufficient undercarriage clearance.

25 (d-5) (Blank).

26 (e) It is unlawful to violate any part of this Section.

27 (1) A violation of this Section is a petty offense  
28 for which a fine of \$250 shall be imposed for a first  
29 violation, and a fine of \$500 shall be imposed for a  
30 second or subsequent violation. The court may impose 25  
31 hours of community service in place of the \$250 fine for  
32 the first violation.

33 (2) For a second or subsequent violation, the  
34 Secretary of State may suspend the driving privileges of

1 the offender for a minimum of 6 months.

2 (f) Corporate authorities of municipal corporations  
3 regulating operators of vehicles that fail to obey signals  
4 indicating the presence, approach, passage, or departure of a  
5 train shall impose fines as established in subsection (e) of  
6 this Section.

7 (Source: P.A. 92-245, eff. 8-3-01; 92-249, eff. 1-1-02;  
8 92-651, eff. 7-11-02; 92-814, eff. 1-1-03; 92-834, eff.  
9 8-22-02; revised 8-26-02.)

10 (625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

11 (Text of Section before amendment by P.A. 92-872)

12 Sec. 12-215. Oscillating, rotating or flashing lights on  
13 motor vehicles. Except as otherwise provided in this Code:

14 (a) The use of red or white oscillating, rotating or  
15 flashing lights, whether lighted or unlighted, is prohibited  
16 except on:

17 1. Law enforcement vehicles of State, Federal or  
18 local authorities;

19 2. A vehicle operated by a police officer or county  
20 coroner and designated or authorized by local  
21 authorities, in writing, as a law enforcement vehicle;  
22 however, such designation or authorization must be  
23 carried in the vehicle;

24 3. Vehicles of local fire departments and State or  
25 federal firefighting vehicles;

26 4. Vehicles which are designed and used exclusively  
27 as ambulances or rescue vehicles; furthermore, such  
28 lights shall not be lighted except when responding to an  
29 emergency call for and while actually conveying the sick  
30 or injured;

31 5. Tow trucks licensed in a state that requires  
32 such lights; furthermore, such lights shall not be  
33 lighted on any such tow truck while the tow truck is

1 operating in the State of Illinois;

2 6. Vehicles of the Illinois Emergency Management  
3 Agency, and vehicles of the Department of Nuclear Safety;  
4 and

5 7. Vehicles operated by a local or county emergency  
6 management services agency as defined in the Illinois  
7 Emergency Management Agency Act.

8 (b) The use of amber oscillating, rotating or flashing  
9 lights, whether lighted or unlighted, is prohibited except  
10 on:

11 1. Second division vehicles designed and used for  
12 towing or hoisting vehicles; furthermore, such lights  
13 shall not be lighted except as required in this paragraph  
14 1; such lights shall be lighted when such vehicles are  
15 actually being used at the scene of an accident or  
16 disablement; if the towing vehicle is equipped with a  
17 flat bed that supports all wheels of the vehicle being  
18 transported, the lights shall not be lighted while the  
19 vehicle is engaged in towing on a highway; if the towing  
20 vehicle is not equipped with a flat bed that supports all  
21 wheels of a vehicle being transported, the lights shall  
22 be lighted while the towing vehicle is engaged in towing  
23 on a highway during all times when the use of headlights  
24 is required under Section 12-201 of this Code;

25 2. Motor vehicles or equipment of the State of  
26 Illinois, local authorities and contractors; furthermore,  
27 such lights shall not be lighted except while such  
28 vehicles are engaged in maintenance or construction  
29 operations within the limits of construction projects;

30 3. Vehicles or equipment used by engineering or  
31 survey crews; furthermore, such lights shall not be  
32 lighted except while such vehicles are actually engaged  
33 in work on a highway;

34 4. Vehicles of public utilities, municipalities, or

1 other construction, maintenance or automotive service  
2 vehicles except that such lights shall be lighted only as  
3 a means for indicating the presence of a vehicular  
4 traffic hazard requiring unusual care in approaching,  
5 overtaking or passing while such vehicles are engaged in  
6 maintenance, service or construction on a highway;

7 5. Oversized vehicle or load; however, such lights  
8 shall only be lighted when moving under permit issued by  
9 the Department under Section 15-301 of this Code;

10 6. The front and rear of motorized equipment owned  
11 and operated by the State of Illinois or any political  
12 subdivision thereof, which is designed and used for  
13 removal of snow and ice from highways;

14 7. Fleet safety vehicles registered in another  
15 state, furthermore, such lights shall not be lighted  
16 except as provided for in Section 12-212 of this Code;

17 8. Such other vehicles as may be authorized by  
18 local authorities;

19 9. Law enforcement vehicles of State or local  
20 authorities when used in combination with red  
21 oscillating, rotating or flashing lights;

22 9.5. Propane delivery trucks;

23 10. Vehicles used for collecting or delivering mail  
24 for the United States Postal Service provided that such  
25 lights shall not be lighted except when such vehicles are  
26 actually being used for such purposes;

27 11. Any vehicle displaying a slow-moving vehicle  
28 emblem as provided in Section 12-205.1;

29 12. All trucks equipped with self-compactors or  
30 roll-off hoists and roll-on containers for garbage or  
31 refuse hauling. Such lights shall not be lighted except  
32 when such vehicles are actually being used for such  
33 purposes;

34 13. Vehicles used by a security company, alarm



1 responder, or control agency; and

2 14. Security vehicles of the Department of Human  
3 Services; however, the lights shall not be lighted except  
4 when being used for security related purposes under the  
5 direction of the superintendent of the facility where the  
6 vehicle is located.

7 (c) The use of blue oscillating, rotating or flashing  
8 lights, whether lighted or unlighted, is prohibited except  
9 on:

10 1. Rescue squad vehicles not owned by a fire  
11 department and vehicles owned or fully operated by a:

12 voluntary firefighter;

13 paid firefighter;

14 part-paid firefighter;

15 call firefighter;

16 member of the board of trustees of a fire  
17 protection district;

18 paid or unpaid member of a rescue squad;

19 paid or unpaid member of a voluntary ambulance  
20 unit; or

21 paid or unpaid members of a local or county  
22 emergency management services agency as defined in  
23 the Illinois Emergency Management Agency Act,  
24 designated or authorized by local authorities, in  
25 writing, and carrying that designation or  
26 authorization in the vehicle.

27 However, such lights are not to be lighted except  
28 when responding to a bona fide emergency.

29 2. Police department vehicles in cities having a  
30 population of 500,000 or more inhabitants.

31 3. Law enforcement vehicles of State or local  
32 authorities when used in combination with red  
33 oscillating, rotating or flashing lights.

34 4. Vehicles of local fire departments and State or

1 federal firefighting vehicles when used in combination  
2 with red oscillating, rotating or flashing lights.

3 5. Vehicles which are designed and used exclusively  
4 as ambulances or rescue vehicles when used in combination  
5 with red oscillating, rotating or flashing lights;  
6 furthermore, such lights shall not be lighted except when  
7 responding to an emergency call.

8 6. Vehicles that are equipped and used exclusively  
9 as organ transport vehicles when used in combination with  
10 red oscillating, rotating, or flashing lights;  
11 furthermore, these lights shall only be lighted when the  
12 transportation is declared an emergency by a member of  
13 the transplant team or a representative of the organ  
14 procurement organization.

15 7. Vehicles of the Illinois Emergency Management  
16 Agency and vehicles of the Department of Nuclear Safety,  
17 when used in combination with red oscillating, rotating,  
18 or flashing lights.

19 8. Vehicles operated by a local or county emergency  
20 management services agency as defined in the Illinois  
21 Emergency Management Agency Act, when used in combination  
22 with red oscillating, rotating, or flashing lights.

23 (c-1) In addition to the blue oscillating, rotating, or  
24 flashing lights permitted under subsection (c), and  
25 notwithstanding subsection (a), a vehicle operated by a  
26 voluntary firefighter may be equipped with flashing white  
27 headlights and blue grill lights, which may be used only in  
28 responding to an emergency call.

29 (c-2) In addition to the blue oscillating, rotating, or  
30 flashing lights permitted under subsection (c), and  
31 notwithstanding subsection (a), a vehicle operated by a paid  
32 or unpaid member of a local or county emergency management  
33 services agency as defined in the Illinois Emergency  
34 Management Agency Act, may be equipped with white

1 oscillating, rotating, or flashing lights to be used in  
2 combination with blue oscillating, rotating, or flashing  
3 lights, if authorization by local authorities is in writing  
4 and carried in the vehicle.

5 (d) The use of a combination of amber and white  
6 oscillating, rotating or flashing lights, whether lighted or  
7 unlighted, is prohibited, except motor vehicles or equipment  
8 of the State of Illinois, local authorities and contractors  
9 may be so equipped; furthermore, such lights shall not be  
10 lighted except while such vehicles are engaged in highway  
11 maintenance or construction operations within the limits of  
12 highway construction projects.

13 (e) All oscillating, rotating or flashing lights  
14 referred to in this Section shall be of sufficient intensity,  
15 when illuminated, to be visible at 500 feet in normal  
16 sunlight.

17 (f) Nothing in this Section shall prohibit a  
18 manufacturer of oscillating, rotating or flashing lights or  
19 his representative from temporarily mounting such lights on a  
20 vehicle for demonstration purposes only.

21 (g) Any person violating the provisions of subsections  
22 (a), (b), (c) or (d) of this Section who without lawful  
23 authority stops or detains or attempts to stop or detain  
24 another person shall be guilty of a Class 4 felony.

25 (h) Except as provided in subsection (g) above, any  
26 person violating the provisions of subsections (a) or (c) of  
27 this Section shall be guilty of a Class A misdemeanor.

28 (Source: P.A. 91-357, eff. 7-29-99; 92-138, eff. 7-24-01;  
29 92-407, eff. 8-17-01; 92-651, eff. 7-11-02; 92-782, eff.  
30 8-6-02; 92-820, eff. 8-21-02; revised 8-26-02.)

31 (Text of Section after amendment by P.A. 92-872)

32 Sec. 12-215. Oscillating, rotating or flashing lights on  
33 motor vehicles. Except as otherwise provided in this Code:

34 (a) The use of red or white oscillating, rotating or

1 flashing lights, whether lighted or unlighted, is prohibited  
2 except on:

3 1. Law enforcement vehicles of State, Federal or  
4 local authorities;

5 2. A vehicle operated by a police officer or county  
6 coroner and designated or authorized by local  
7 authorities, in writing, as a law enforcement vehicle;  
8 however, such designation or authorization must be  
9 carried in the vehicle;

10 3. Vehicles of local fire departments and State or  
11 federal firefighting vehicles;

12 4. Vehicles which are designed and used exclusively  
13 as ambulances or rescue vehicles; furthermore, such  
14 lights shall not be lighted except when responding to an  
15 emergency call for and while actually conveying the sick  
16 or injured;

17 5. Tow trucks licensed in a state that requires  
18 such lights; furthermore, such lights shall not be  
19 lighted on any such tow truck while the tow truck is  
20 operating in the State of Illinois;

21 6. Vehicles of the Illinois Emergency Management  
22 Agency, and vehicles of the Department of Nuclear Safety;  
23 and

24 7. Vehicles operated by a local or county emergency  
25 management services agency as defined in the Illinois  
26 Emergency Management Agency Act.

27 (b) The use of amber oscillating, rotating or flashing  
28 lights, whether lighted or unlighted, is prohibited except  
29 on:

30 1. Second division vehicles designed and used for  
31 towing or hoisting vehicles; furthermore, such lights  
32 shall not be lighted except as required in this paragraph  
33 1; such lights shall be lighted when such vehicles are  
34 actually being used at the scene of an accident or

1 disablement; if the towing vehicle is equipped with a  
2 flat bed that supports all wheels of the vehicle being  
3 transported, the lights shall not be lighted while the  
4 vehicle is engaged in towing on a highway; if the towing  
5 vehicle is not equipped with a flat bed that supports all  
6 wheels of a vehicle being transported, the lights shall  
7 be lighted while the towing vehicle is engaged in towing  
8 on a highway during all times when the use of headlights  
9 is required under Section 12-201 of this Code;

10 2. Motor vehicles or equipment of the State of  
11 Illinois, local authorities and contractors; furthermore,  
12 such lights shall not be lighted except while such  
13 vehicles are engaged in maintenance or construction  
14 operations within the limits of construction projects;

15 3. Vehicles or equipment used by engineering or  
16 survey crews; furthermore, such lights shall not be  
17 lighted except while such vehicles are actually engaged  
18 in work on a highway;

19 4. Vehicles of public utilities, municipalities, or  
20 other construction, maintenance or automotive service  
21 vehicles except that such lights shall be lighted only as  
22 a means for indicating the presence of a vehicular  
23 traffic hazard requiring unusual care in approaching,  
24 overtaking or passing while such vehicles are engaged in  
25 maintenance, service or construction on a highway;

26 5. Oversized vehicle or load; however, such lights  
27 shall only be lighted when moving under permit issued by  
28 the Department under Section 15-301 of this Code;

29 6. The front and rear of motorized equipment owned  
30 and operated by the State of Illinois or any political  
31 subdivision thereof, which is designed and used for  
32 removal of snow and ice from highways;

33 7. Fleet safety vehicles registered in another  
34 state, furthermore, such lights shall not be lighted

1 except as provided for in Section 12-212 of this Code;

2 8. Such other vehicles as may be authorized by  
3 local authorities;

4 9. Law enforcement vehicles of State or local  
5 authorities when used in combination with red  
6 oscillating, rotating or flashing lights;

7 9.5. Propane delivery trucks;

8 10. Vehicles used for collecting or delivering mail  
9 for the United States Postal Service provided that such  
10 lights shall not be lighted except when such vehicles are  
11 actually being used for such purposes;

12 11. Any vehicle displaying a slow-moving vehicle  
13 emblem as provided in Section 12-205.1;

14 12. All trucks equipped with self-compactors or  
15 roll-off hoists and roll-on containers for garbage or  
16 refuse hauling. Such lights shall not be lighted except  
17 when such vehicles are actually being used for such  
18 purposes;

19 13. Vehicles used by a security company, alarm  
20 responder, or control agency;

21 14. Security vehicles of the Department of Human  
22 Services; however, the lights shall not be lighted except  
23 when being used for security related purposes under the  
24 direction of the superintendent of the facility where the  
25 vehicle is located; and

26 15. Vehicles of union representatives, except that  
27 the lights shall be lighted only while the vehicle is  
28 within the limits of a construction project.

29 (c) The use of blue oscillating, rotating or flashing  
30 lights, whether lighted or unlighted, is prohibited except  
31 on:

32 1. Rescue squad vehicles not owned by a fire  
33 department and vehicles owned or fully operated by a:

34 voluntary firefighter;

- 1           paid firefighter;
- 2           part-paid firefighter;
- 3           call firefighter;
- 4           member of the board of trustees of a fire
- 5 protection district;
- 6           paid or unpaid member of a rescue squad;
- 7           paid or unpaid member of a voluntary ambulance
- 8 unit; or
- 9           paid or unpaid members of a local or county
- 10 emergency management services agency as defined in
- 11 the Illinois Emergency Management Agency Act,
- 12 designated or authorized by local authorities, in
- 13 writing, and carrying that designation or
- 14 authorization in the vehicle.

15           However, such lights are not to be lighted except  
16 when responding to a bona fide emergency.

17           2. Police department vehicles in cities having a  
18 population of 500,000 or more inhabitants.

19           3. Law enforcement vehicles of State or local  
20 authorities when used in combination with red  
21 oscillating, rotating or flashing lights.

22           4. Vehicles of local fire departments and State or  
23 federal firefighting vehicles when used in combination  
24 with red oscillating, rotating or flashing lights.

25           5. Vehicles which are designed and used exclusively  
26 as ambulances or rescue vehicles when used in combination  
27 with red oscillating, rotating or flashing lights;  
28 furthermore, such lights shall not be lighted except when  
29 responding to an emergency call.

30           6. Vehicles that are equipped and used exclusively  
31 as organ transport vehicles when used in combination with  
32 red oscillating, rotating, or flashing lights;  
33 furthermore, these lights shall only be lighted when the  
34 transportation is declared an emergency by a member of

1 the transplant team or a representative of the organ  
2 procurement organization.

3 7. Vehicles of the Illinois Emergency Management  
4 Agency and vehicles of the Department of Nuclear Safety,  
5 when used in combination with red oscillating, rotating,  
6 or flashing lights.

7 8. Vehicles operated by a local or county emergency  
8 management services agency as defined in the Illinois  
9 Emergency Management Agency Act, when used in combination  
10 with red oscillating, rotating, or flashing lights.

11 (c-1) In addition to the blue oscillating, rotating, or  
12 flashing lights permitted under subsection (c), and  
13 notwithstanding subsection (a), a vehicle operated by a  
14 voluntary firefighter, a voluntary member of a rescue squad,  
15 or a member of a voluntary ambulance unit may be equipped  
16 with flashing white headlights and blue grill lights, which  
17 may be used only in responding to an emergency call.

18 (c-2) In addition to the blue oscillating, rotating, or  
19 flashing lights permitted under subsection (c), and  
20 notwithstanding subsection (a), a vehicle operated by a paid  
21 or unpaid member of a local or county emergency management  
22 services agency as defined in the Illinois Emergency  
23 Management Agency Act, may be equipped with white  
24 oscillating, rotating, or flashing lights to be used in  
25 combination with blue oscillating, rotating, or flashing  
26 lights, if authorization by local authorities is in writing  
27 and carried in the vehicle.

28 (d) The use of a combination of amber and white  
29 oscillating, rotating or flashing lights, whether lighted or  
30 unlighted, is prohibited except motor vehicles or equipment  
31 of the State of Illinois, local authorities, contractors, and  
32 union representatives may be so equipped; furthermore, such  
33 lights shall not be lighted on vehicles of the State of  
34 Illinois, local authorities, and contractors except while



1 such vehicles are engaged in highway maintenance or  
2 construction operations within the limits of highway  
3 construction projects, and shall not be lighted on the  
4 vehicles of union representatives except when those vehicles  
5 are within the limits of a construction project.

6 (e) All oscillating, rotating or flashing lights  
7 referred to in this Section shall be of sufficient intensity,  
8 when illuminated, to be visible at 500 feet in normal  
9 sunlight.

10 (f) Nothing in this Section shall prohibit a  
11 manufacturer of oscillating, rotating or flashing lights or  
12 his representative from temporarily mounting such lights on a  
13 vehicle for demonstration purposes only.

14 (g) Any person violating the provisions of subsections  
15 (a), (b), (c) or (d) of this Section who without lawful  
16 authority stops or detains or attempts to stop or detain  
17 another person shall be guilty of a Class 4 felony.

18 (h) Except as provided in subsection (g) above, any  
19 person violating the provisions of subsections (a) or (c) of  
20 this Section shall be guilty of a Class A misdemeanor.

21 (Source: P.A. 91-357, eff. 7-29-99; 92-138, eff. 7-24-01;  
22 92-407, eff. 8-17-01; 92-651, eff. 7-11-02; 92-782, eff.  
23 8-6-02; 92-820, eff. 8-21-02; 92-872, eff. 6-1-03; revised  
24 1-10-03.)

25 (625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)  
26 Sec. 18b-105. Rules and Regulations.

27 (a) The Department is authorized to make and adopt  
28 reasonable rules and regulations and orders consistent with  
29 law necessary to carry out the provisions of this Chapter.

30 (b) The following parts of Title 49 of the Code of  
31 Federal Regulations, as now in effect, are hereby adopted by  
32 reference as though they were set out in full:

33 Part 383 - Commercial Driver's License Standards,

1 Requirements, and Penalties;

2 Part 385 - Safety Fitness Procedures;

3 Part 390 - Federal Motor Carrier Safety Regulations:  
4 General;

5 Part 391 - Qualifications of Drivers;

6 Part 392 - Driving of Motor Vehicles;

7 Part 393 - Parts and Accessories Necessary for Safe  
8 Operation;

9 Part 395 - Hours of Service of Drivers, except as  
10 provided in Section 18b-106.1; and

11 Part 396 - Inspection, Repair and Maintenance.

12 (b-5) Individuals who meet the requirements set forth in  
13 the definition of "medical examiner" in Section 390.5 of Part  
14 390 of Title 49 of the Code of Federal Regulations may act as  
15 medical examiners in accordance with Part 391 of Title 49 of  
16 the Code of Federal Regulations.

17 (c) The following parts and Sections of the Federal  
18 Motor Carrier Safety Regulations shall not apply to those  
19 intrastate carriers, drivers or vehicles subject to  
20 subsection (b).

21 (1) Section 393.93 of Part 393 for those vehicles  
22 manufactured before June 30, 1972.

23 (2) Section 393.86 of Part 393 for those vehicles  
24 which are registered as farm trucks under subsection (c)  
25 of Section 3-815 of this Code.

26 (3) (Blank).

27 (4) (Blank).

28 (5) Paragraph (b)(1) of Section 391.11 of Part 391.

29 (6) All of Part 395 for all agricultural movements  
30 as defined in Chapter 1, between the period of February 1  
31 through November 30 each year, and all farm to market  
32 agricultural transportation as defined in Chapter 1 and  
33 for grain hauling operations within a radius of 200 air  
34 miles of the normal work reporting location.

1 (7) Paragraphs (b)(3) (insulin dependent diabetic)  
2 and (b)(10) (minimum visual acuity) of Section 391.41 of  
3 part 391, but only for any driver who immediately prior  
4 to July 29, 1986 was eligible and licensed to operate a  
5 motor vehicle subject to this Section and was engaged in  
6 operating such vehicles, and who was disqualified on July  
7 29, 1986 by the adoption of Part 391 by reason of the  
8 application of paragraphs (b)(3) and (b)(10) of Section  
9 391.41 with respect to a physical condition existing at  
10 that time unless such driver has a record of accidents  
11 which would indicate a lack of ability to operate a motor  
12 vehicle in a safe manner.

13 (d) Intrastate carriers subject to the recording  
14 provisions of Section 395.8 of Part 395 of the Federal Motor  
15 Carrier Safety Regulations shall be exempt as established  
16 under paragraph (1) of Section 395.8; provided, however, for  
17 the purpose of this Code, drivers shall operate within a 150  
18 air-mile radius of the normal work reporting location to  
19 qualify for exempt status.

20 (e) Regulations adopted by the Department subsequent to  
21 those adopted under subsection (b) hereof shall be identical  
22 in substance to the Federal Motor Carrier Safety Regulations  
23 of the United States Department of Transportation and adopted  
24 in accordance with the procedures for rulemaking in Section  
25 5-35 of the Illinois Administrative Procedure Act.

26 (Source: P.A. 91-179, eff. 1-1-00; 92-108; eff. 1-1-02;  
27 92-249; eff. 1-1-02; 92-651, eff. 7-11-02; 92-703, eff.  
28 7-19-02; revised 7-30-02.)

29 Section 49. The Criminal Code of 1961 is amended by  
30 renumbering Section 2-.5 and changing Sections 3-6, 12-2,  
31 12-4, and 17-1 as follows:

32 (720 ILCS 5/2-0.5) (was 720 ILCS 5/2-.5)

1           Sec. ~~2-0.5.~~ ~~2--5.~~ For the purposes of this Code, the  
2 words and phrases described in this Article have the meanings  
3 designated in this Article, except when a particular context  
4 clearly requires a different meaning.

5 (Source: Laws 1961, p. 1983; revised 6-10-02.)

6 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

7           Sec. 3-6. Extended limitations. The period within which  
8 a prosecution must be commenced under the provisions of  
9 Section 3-5 or other applicable statute is extended under the  
10 following conditions:

11           (a) A prosecution for theft involving a breach of a  
12 fiduciary obligation to the aggrieved person may be commenced  
13 as follows:

14                 (1) If the aggrieved person is a minor or a person  
15 under legal disability, then during the minority or legal  
16 disability or within one year after the termination  
17 thereof.

18                 (2) In any other instance, within one year after  
19 the discovery of the offense by an aggrieved person, or  
20 by a person who has legal capacity to represent an  
21 aggrieved person or has a legal duty to report the  
22 offense, and is not himself or herself a party to the  
23 offense; or in the absence of such discovery, within one  
24 year after the proper prosecuting officer becomes aware  
25 of the offense. However, in no such case is the period of  
26 limitation so extended more than 3 years beyond the  
27 expiration of the period otherwise applicable.

28           (b) A prosecution for any offense based upon misconduct  
29 in office by a public officer or employee may be commenced  
30 within one year after discovery of the offense by a person  
31 having a legal duty to report such offense, or in the absence  
32 of such discovery, within one year after the proper  
33 prosecuting officer becomes aware of the offense. However, in

1 no such case is the period of limitation so extended more  
2 than 3 years beyond the expiration of the period otherwise  
3 applicable.

4 (c) Except as otherwise provided in subsection (a) of  
5 Section 3-5 of this Code and subdivision (i) or (j) of this  
6 Section, a prosecution for any offense involving sexual  
7 conduct or sexual penetration, as defined in Section 12-12 of  
8 this Code, where the victim and defendant are family members,  
9 as defined in Section 12-12 of this Code, may be commenced  
10 within one year of the victim attaining the age of 18 years.

11 (d) A prosecution for child pornography, indecent  
12 solicitation of a child, soliciting for a juvenile  
13 prostitute, juvenile pimping or exploitation of a child may  
14 be commenced within one year of the victim attaining the age  
15 of 18 years. However, in no such case shall the time period  
16 for prosecution expire sooner than 3 years after the  
17 commission of the offense. When the victim is under 18 years  
18 of age, a prosecution for criminal sexual abuse may be  
19 commenced within one year of the victim attaining the age of  
20 18 years. However, in no such case shall the time period for  
21 prosecution expire sooner than 3 years after the commission  
22 of the offense.

23 (e) Except as otherwise provided in subdivision (j), a  
24 prosecution for any offense involving sexual conduct or  
25 sexual penetration, as defined in Section 12-12 of this Code,  
26 where the defendant was within a professional or fiduciary  
27 relationship or a purported professional or fiduciary  
28 relationship with the victim at the time of the commission of  
29 the offense may be commenced within one year after the  
30 discovery of the offense by the victim.

31 (f) A prosecution for any offense set forth in Section  
32 44 of the "Environmental Protection Act", approved June 29,  
33 1970, as amended, may be commenced within 5 years after the  
34 discovery of such an offense by a person or agency having the

1 legal duty to report the offense or in the absence of such  
2 discovery, within 5 years after the proper prosecuting  
3 officer becomes aware of the offense.

4 (g) (Blank).

5 (h) (Blank).

6 (i) Except as otherwise provided in subdivision (j), a  
7 prosecution for criminal sexual assault, aggravated criminal  
8 sexual assault, or aggravated criminal sexual abuse may be  
9 commenced within 10 years of the commission of the offense if  
10 the victim reported the offense to law enforcement  
11 authorities within 2 years after the commission of the  
12 offense.

13 Nothing in this subdivision (i) shall be construed to  
14 shorten a period within which a prosecution must be commenced  
15 under any other provision of this Section.

16 (j) When the victim is under 18 years of age at the time  
17 of the offense, a prosecution for criminal sexual assault,  
18 aggravated criminal sexual assault, predatory criminal sexual  
19 assault of a child, or aggravated criminal sexual abuse or a  
20 prosecution for failure of a person who is required to report  
21 an alleged or suspected commission of any of these offenses  
22 under the Abused and Neglected Child Reporting Act may be  
23 commenced within 10 years after the child victim attains 18  
24 years of age.

25 Nothing in this subdivision (j) shall be construed to  
26 shorten a period within which a prosecution must be commenced  
27 under any other provision of this Section.

28 (Source: P.A. 91-475, eff. 1-1-00; 91-801, eff. 6-13-00;  
29 92-752, eff. 8-2-02; 92-801, eff. 8-16-02; revised 9-11-02.)

30 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

31 Sec. 12-2. Aggravated assault.

32 (a) A person commits an aggravated assault, when, in  
33 committing an assault, he:

1           (1) Uses a deadly weapon or any device manufactured  
2 and designed to be substantially similar in appearance to  
3 a firearm, other than by discharging a firearm in the  
4 direction of another person, a peace officer, a person  
5 summoned or directed by a peace officer, a correctional  
6 officer or a fireman or in the direction of a vehicle  
7 occupied by another person, a peace officer, a person  
8 summoned or directed by a peace officer, a correctional  
9 officer or a fireman while the officer or fireman is  
10 engaged in the execution of any of his official duties,  
11 or to prevent the officer or fireman from performing his  
12 official duties, or in retaliation for the officer or  
13 fireman performing his official duties;

14           (2) Is hooded, robed or masked in such manner as to  
15 conceal his identity or any device manufactured and  
16 designed to be substantially similar in appearance to a  
17 firearm;

18           (3) Knows the individual assaulted to be a teacher  
19 or other person employed in any school and such teacher  
20 or other employee is upon the grounds of a school or  
21 grounds adjacent thereto, or is in any part of a building  
22 used for school purposes;

23           (4) Knows the individual assaulted to be a  
24 supervisor, director, instructor or other person employed  
25 in any park district and such supervisor, director,  
26 instructor or other employee is upon the grounds of the  
27 park or grounds adjacent thereto, or is in any part of a  
28 building used for park purposes;

29           (5) Knows the individual assaulted to be a  
30 caseworker, investigator, or other person employed by the  
31 State Department of Public Aid, a County Department of  
32 Public Aid, or the Department of Human Services (acting  
33 as successor to the Illinois Department of Public Aid  
34 under the Department of Human Services Act) and such

1 caseworker, investigator, or other person is upon the  
2 grounds of a public aid office or grounds adjacent  
3 thereto, or is in any part of a building used for public  
4 aid purposes, or upon the grounds of a home of a public  
5 aid applicant, recipient or any other person being  
6 interviewed or investigated in the employees' discharge  
7 of his duties, or on grounds adjacent thereto, or is in  
8 any part of a building in which the applicant, recipient,  
9 or other such person resides or is located;

10 (6) Knows the individual assaulted to be a peace  
11 officer, or a community policing volunteer, or a fireman  
12 while the officer or fireman is engaged in the execution  
13 of any of his official duties, or to prevent the officer,  
14 community policing volunteer, or fireman from performing  
15 his official duties, or in retaliation for the officer,  
16 community policing volunteer, or fireman performing his  
17 official duties, and the assault is committed other than  
18 by the discharge of a firearm in the direction of the  
19 officer or fireman or in the direction of a vehicle  
20 occupied by the officer or fireman;

21 (7) Knows the individual assaulted to be an  
22 emergency medical technician - ambulance, emergency  
23 medical technician - intermediate, emergency medical  
24 technician - paramedic, ambulance driver or other medical  
25 assistance or first aid personnel engaged in the  
26 execution of any of his official duties, or to prevent  
27 the emergency medical technician - ambulance, emergency  
28 medical technician - intermediate, emergency medical  
29 technician - paramedic, ambulance driver, or other  
30 medical assistance or first aid personnel from performing  
31 his official duties, or in retaliation for the emergency  
32 medical technician - ambulance, emergency medical  
33 technician - intermediate, emergency medical technician -  
34 paramedic, ambulance driver, or other medical assistance



1 or first aid personnel performing his official duties;

2 (8) Knows the individual assaulted to be the  
3 driver, operator, employee or passenger of any  
4 transportation facility or system engaged in the business  
5 of transportation of the public for hire and the  
6 individual assaulted is then performing in such capacity  
7 or then using such public transportation as a passenger  
8 or using any area of any description designated by the  
9 transportation facility or system as a vehicle boarding,  
10 departure, or transfer location;

11 (9) Or the individual assaulted is on or about a  
12 public way, public property, or public place of  
13 accommodation or amusement;

14 (10) Knows the individual assaulted to be an  
15 employee of the State of Illinois, a municipal  
16 corporation therein or a political subdivision thereof,  
17 engaged in the performance of his authorized duties as  
18 such employee;

19 (11) Knowingly and without legal justification,  
20 commits an assault on a physically handicapped person;

21 (12) Knowingly and without legal justification,  
22 commits an assault on a person 60 years of age or older;

23 (13) Discharges a firearm;

24 (14) Knows the individual assaulted to be a  
25 correctional officer, while the officer is engaged in the  
26 execution of any of his or her official duties, or to  
27 prevent the officer from performing his or her official  
28 duties, or in retaliation for the officer performing his  
29 or her official duties;

30 (15) Knows the individual assaulted to be a  
31 correctional employee or an employee of the Department of  
32 Human Services supervising or controlling sexually  
33 dangerous persons or sexually violent persons, while the  
34 employee is engaged in the execution of any of his or her

1 official duties, or to prevent the employee from  
2 performing his or her official duties, or in retaliation  
3 for the employee performing his or her official duties,  
4 and the assault is committed other than by the discharge  
5 of a firearm in the direction of the employee or in the  
6 direction of a vehicle occupied by the employee; or

7 (16) Knows the individual assaulted to be an  
8 employee of a police or sheriff's department engaged in  
9 the performance of his or her official duties as such  
10 employee.

11 (a-5) A person commits an aggravated assault when he or  
12 she knowingly and without lawful justification shines or  
13 flashes a laser gunsight or other laser device that is  
14 attached or affixed to a firearm, or used in concert with a  
15 firearm, so that the laser beam strikes near or in the  
16 immediate vicinity of any person.

17 (b) Sentence.

18 Aggravated assault as defined in paragraphs (1) through  
19 (5) and (8) through (12) of subsection (a) of this Section is  
20 a Class A misdemeanor. Aggravated assault as defined in  
21 paragraphs (13), (14), and (15) of subsection (a) of this  
22 Section and as defined in subsection (a-5) of this Section is  
23 a Class 4 felony. Aggravated assault as defined in  
24 paragraphs (6), (7), and (16) of subsection (a) of this  
25 Section is a Class A misdemeanor if a firearm is not used in  
26 the commission of the assault. Aggravated assault as defined  
27 in paragraphs (6), (7), and (16) of subsection (a) of this  
28 Section is a Class 4 felony if a firearm is used in the  
29 commission of the assault.

30 (Source: P.A. 91-672, eff. 1-1-00; 92-841, eff. 8-22-02;  
31 92-865, eff. 1-3-03; revised 1-9-03.)

32 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

33 Sec. 12-4. Aggravated Battery.

1 (a) A person who, in committing a battery, intentionally  
2 or knowingly causes great bodily harm, or permanent  
3 disability or disfigurement commits aggravated battery.

4 (b) In committing a battery, a person commits aggravated  
5 battery if he or she:

6 (1) Uses a deadly weapon other than by the  
7 discharge of a firearm;

8 (2) Is hooded, robed or masked, in such manner as  
9 to conceal his identity;

10 (3) Knows the individual harmed to be a teacher or  
11 other person employed in any school and such teacher or  
12 other employee is upon the grounds of a school or grounds  
13 adjacent thereto, or is in any part of a building used  
14 for school purposes;

15 (4) Knows the individual harmed to be a supervisor,  
16 director, instructor or other person employed in any park  
17 district and such supervisor, director, instructor or  
18 other employee is upon the grounds of the park or grounds  
19 adjacent thereto, or is in any part of a building used  
20 for park purposes;

21 (5) Knows the individual harmed to be a caseworker,  
22 investigator, or other person employed by the State  
23 Department of Public Aid, a County Department of Public  
24 Aid, or the Department of Human Services (acting as  
25 successor to the Illinois Department of Public Aid under  
26 the Department of Human Services Act) and such  
27 caseworker, investigator, or other person is upon the  
28 grounds of a public aid office or grounds adjacent  
29 thereto, or is in any part of a building used for public  
30 aid purposes, or upon the grounds of a home of a public  
31 aid applicant, recipient, or any other person being  
32 interviewed or investigated in the employee's discharge  
33 of his duties, or on grounds adjacent thereto, or is in  
34 any part of a building in which the applicant, recipient,

1 or other such person resides or is located;

2 (6) Knows the individual harmed to be a peace  
3 officer, a community policing volunteer, a correctional  
4 institution employee, an employee of the Department of  
5 Human Services supervising or controlling sexually  
6 dangerous persons or sexually violent persons, or a  
7 fireman while such officer, volunteer, employee or  
8 fireman is engaged in the execution of any official  
9 duties including arrest or attempted arrest, or to  
10 prevent the officer, volunteer, employee or fireman from  
11 performing official duties, or in retaliation for the  
12 officer, volunteer, employee or fireman performing  
13 official duties, and the battery is committed other than  
14 by the discharge of a firearm;

15 (7) Knows the individual harmed to be an emergency  
16 medical technician - ambulance, emergency medical  
17 technician - intermediate, emergency medical technician -  
18 paramedic, ambulance driver, other medical assistance,  
19 first aid personnel, or hospital emergency room personnel  
20 engaged in the performance of any of his or her official  
21 duties, or to prevent the emergency medical technician -  
22 ambulance, emergency medical technician - intermediate,  
23 emergency medical technician - paramedic, ambulance  
24 driver, other medical assistance, first aid personnel, or  
25 hospital emergency room personnel from performing  
26 official duties, or in retaliation for performing  
27 official duties;

28 (8) Is, or the person battered is, on or about a  
29 public way, public property or public place of  
30 accommodation or amusement;

31 (9) Knows the individual harmed to be the driver,  
32 operator, employee or passenger of any transportation  
33 facility or system engaged in the business of  
34 transportation of the public for hire and the individual

1 assaulted is then performing in such capacity or then  
2 using such public transportation as a passenger or using  
3 any area of any description designated by the  
4 transportation facility or system as a vehicle boarding,  
5 departure, or transfer location;

6 (10) Knowingly and without legal justification and  
7 by any means causes bodily harm to an individual of 60  
8 years of age or older;

9 (11) Knows the individual harmed is pregnant;

10 (12) Knows the individual harmed to be a judge whom  
11 the person intended to harm as a result of the judge's  
12 performance of his or her official duties as a judge;

13 (13) Knows the individual harmed to be an employee  
14 of the Illinois Department of Children and Family  
15 Services engaged in the performance of his authorized  
16 duties as such employee;

17 (14) Knows the individual harmed to be a person who  
18 is physically handicapped;

19 (15) Knowingly and without legal justification and  
20 by any means causes bodily harm to a merchant who detains  
21 the person for an alleged commission of retail theft  
22 under Section 16A-5 of this Code. In this item (15),  
23 "merchant" has the meaning ascribed to it in Section  
24 16A-2.4 of this Code;

25 (16) Is, or the person battered is, in any building  
26 or other structure used to provide shelter or other  
27 services to victims or to the dependent children of  
28 victims of domestic violence pursuant to the Illinois  
29 Domestic Violence Act of 1986 or the Domestic Violence  
30 Shelters Act, or the person battered is within 500 feet  
31 of such a building or other structure while going to or  
32 from such a building or other structure. "Domestic  
33 violence" has the meaning ascribed to it in Section 103  
34 of the Illinois Domestic Violence Act of 1986. "Building

1 or other structure used to provide shelter" has the  
2 meaning ascribed to "shelter" in Section 1 of the  
3 Domestic Violence Shelters Act; or

4 (17) Knows the individual harmed to be an employee  
5 of a police or sheriff's department engaged in the  
6 performance of his or her official duties as such  
7 employee.

8 For the purpose of paragraph (14) of subsection (b) of  
9 this Section, a physically handicapped person is a person who  
10 suffers from a permanent and disabling physical  
11 characteristic, resulting from disease, injury, functional  
12 disorder or congenital condition.

13 (c) A person who administers to an individual or causes  
14 him to take, without his consent or by threat or deception,  
15 and for other than medical purposes, any intoxicating,  
16 poisonous, stupefying, narcotic, anesthetic, or controlled  
17 substance commits aggravated battery.

18 (d) A person who knowingly gives to another person any  
19 food that contains any substance or object that is intended  
20 to cause physical injury if eaten, commits aggravated  
21 battery.

22 (d-3) A person commits aggravated battery when he or she  
23 knowingly and without lawful justification shines or flashes  
24 a laser gunsight or other laser device that is attached or  
25 affixed to a firearm, or used in concert with a firearm, so  
26 that the laser beam strikes upon or against the person of  
27 another.

28 (d-5) An inmate of a penal institution or a sexually  
29 dangerous person or a sexually violent person in the custody  
30 of the Department of Human Services who causes or attempts to  
31 cause a correctional employee of the penal institution or an  
32 employee of the Department of Human Services to come into  
33 contact with blood, seminal fluid, urine, or feces, by  
34 throwing, tossing, or expelling that fluid or material

1 commits aggravated battery. For purposes of this subsection  
2 (d-5), "correctional employee" means a person who is employed  
3 by a penal institution.

4 (e) Sentence.

5 Aggravated battery is a Class 3 felony, except a  
6 violation of subsection (a) is a Class 2 felony when the  
7 person knows the individual harmed to be a peace officer  
8 engaged in the execution of any of his or her official  
9 duties, or the battery is to prevent the officer from  
10 performing his or her official duties, or in retaliation for  
11 the officer performing his or her official duties.

12 (Source: P.A. 91-357, eff. 7-29-99; 91-488, eff. 1-1-00;  
13 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; 92-16, eff.  
14 6-28-01; 92-516, eff. 1-1-02; 92-841, eff. 8-22-02; 92-865,  
15 eff. 1-3-03; revised 1-9-03.)

16 (720 ILCS 5/17-1) (from Ch. 38, par. 17-1)

17 Sec. 17-1. Deceptive practices.

18 (A) Definitions.

19 As used in this Section:

20 (i) A "Financial institution" means any bank,  
21 savings and loan association, credit union, or other  
22 depository of money, or medium of savings and collective  
23 investment.

24 (ii) An "account holder" is any person, having a  
25 checking account or savings account in a financial  
26 institution.

27 (iii) To act with the "intent to defraud" means to  
28 act wilfully, and with the specific intent to deceive or  
29 cheat, for the purpose of causing financial loss to  
30 another, or to bring some financial gain to oneself. It  
31 is not necessary to establish that any person was  
32 actually defrauded or deceived.

33 (B) General Deception.

1 A person commits a deceptive practice when, with intent  
2 to defraud, the person does any of the following:

3 (a) He or she causes another, by deception or  
4 threat, to execute a document disposing of property or a  
5 document by which a pecuniary obligation is incurred.~~7-08~~

6 (b) Being an officer, manager or other person  
7 participating in the direction of a financial  
8 institution, he or she knowingly receives or permits the  
9 receipt of a deposit or other investment, knowing that  
10 the institution is insolvent.~~7-08~~

11 (c) He or she knowingly makes or directs another to  
12 make a false or deceptive statement addressed to the  
13 public for the purpose of promoting the sale of property  
14 or services.~~7-08~~

15 (d) With intent to obtain control over property or  
16 to pay for property, labor or services of another, or in  
17 satisfaction of an obligation for payment of tax under  
18 the Retailers' Occupation Tax Act or any other tax due to  
19 the State of Illinois, he or she issues or delivers a  
20 check or other order upon a real or fictitious depository  
21 for the payment of money, knowing that it will not be  
22 paid by the depository. Failure to have sufficient funds  
23 or credit with the depository when the check or other  
24 order is issued or delivered, or when such check or other  
25 order is presented for payment and dishonored on each of  
26 2 occasions at least 7 days apart, is prima facie  
27 evidence that the offender knows that it will not be paid  
28 by the depository, and that he or she has the intent to  
29 defraud. In this paragraph (d), "property" includes  
30 rental property (real or personal).

31 (e) He or she issues or delivers a check or other  
32 order upon a real or fictitious depository in an amount  
33 exceeding \$150 in payment of an amount owed on any credit  
34 transaction for property, labor or services, or in



1 payment of the entire amount owed on any credit  
2 transaction for property, labor or services, knowing that  
3 it will not be paid by the depository, and thereafter  
4 fails to provide funds or credit with the depository in  
5 the face amount of the check or order within 7 seven days  
6 of receiving actual notice from the depository or payee  
7 of the dishonor of the check or order.

8 Sentence.

9 A person convicted of a deceptive practice under  
10 paragraph paragraphs (a), (b), (c), (d), or through (e) of  
11 this subsection (B), except as otherwise provided by this  
12 Section, is guilty of a Class A misdemeanor.

13 A person convicted of a deceptive practice in violation  
14 of paragraph (d) a second or subsequent time shall be guilty  
15 of a Class 4 felony.

16 A person convicted of deceptive practices in violation of  
17 paragraph (d), when the value of the property so obtained, in  
18 a single transaction, or in separate transactions within a 90  
19 day period, exceeds \$150, shall be guilty of a Class 4  
20 felony. In the case of a prosecution for separate  
21 transactions totaling more than \$150 within a 90 day period,  
22 such separate transactions shall be alleged in a single  
23 charge and provided in a single prosecution.

24 (C) Deception on a Bank or Other Financial Institution.

25 (1) False Statements.

26 1) Any person who, with the intent to defraud, makes or  
27 causes to be made, any false statement in writing in order to  
28 obtain an account with a bank or other financial institution,  
29 or to obtain credit from a bank or other financial  
30 institution, knowing such writing to be false, and with the  
31 intent that it be relied upon, is guilty of a Class A  
32 misdemeanor.

33 For purposes of this subsection (C), a false statement  
34 shall mean any false statement representing identity,

1 address, or employment, or the identity, address or  
2 employment of any person, firm or corporation.

3 (2) Possession of Stolen or Fraudulently Obtained  
4 Checks.

5 2) Any person who possesses, with the intent to obtain  
6 access to funds of another person held in a real or  
7 fictitious deposit account at a financial institution, makes  
8 a false statement or a misrepresentation to the financial  
9 institution, or possesses, transfers, negotiates, or presents  
10 for payment a check, draft, or other item purported to direct  
11 the financial institution to withdraw or pay funds out of the  
12 account holder's deposit account with knowledge that such  
13 possession, transfer, negotiation, or presentment is not  
14 authorized by the account holder or the issuing financial  
15 institution is guilty of a Class A misdemeanor. A person  
16 shall be deemed to have been authorized to possess, transfer,  
17 negotiate, or present for payment such item if the person was  
18 otherwise entitled by law to withdraw or recover funds from  
19 the account in question and followed the requisite procedures  
20 under the law. In the event that the account holder, upon  
21 discovery of the withdrawal or payment, claims that the  
22 withdrawal or payment was not authorized, the financial  
23 institution may require the account holder to submit an  
24 affidavit to that effect on a form satisfactory to the  
25 financial institution before the financial institution may be  
26 required to credit the account in an amount equal to the  
27 amount or amounts that were withdrawn or paid without  
28 authorization.

29 Any person who, within any 12 month period, violates this  
30 Section with respect to 3 or more checks or orders for the  
31 payment of money at the same time or consecutively, each the  
32 property of a different account holder or financial  
33 institution, is guilty of a Class 4 felony.

34 (3) Possession of Implements of Check Fraud.

1 Any person who possesses, with the intent to defraud, and  
2 without the authority of the account holder or financial  
3 institution, any check imprinter, signature imprinter, or  
4 "certified" stamp is guilty of a Class A misdemeanor.

5 A person who within any 12 month period violates this  
6 subsection (C) as to possession of 3 or more such devices at  
7 the same time or consecutively, is guilty of a Class 4  
8 felony.

9 (4) Possession of Identification Card.

10 4) Any person, who, with the intent to defraud, possesses  
11 any check guarantee card or key card or identification card  
12 for cash dispensing machines without the authority of the  
13 account holder or financial institution, is guilty of a Class  
14 A misdemeanor.

15 A person who, within any 12 month period, violates this  
16 Section at the same time or consecutively with respect to 3  
17 or more cards, each the property of different account  
18 holders, is guilty of a Class 4 felony.

19 A person convicted under this Section, when the value of  
20 property so obtained, in a single transaction, or in separate  
21 transactions within any 90 day period, exceeds \$150 shall be  
22 guilty of a Class 4 felony.

23 (Source: P.A. 92-633, eff. 1-1-03; 92-646, eff. 1-1-03;  
24 revised 10-3-02.)

25 Section 50. The Code of Criminal Procedure of 1963 is  
26 amended by changing Sections 108B-1, 108B-5, 108B-11, and  
27 112A-28 as follows:

28 (725 ILCS 5/108B-1) (from Ch. 38, par. 108B-1)

29 Sec. 108B-1. Definitions. For the purpose of this  
30 Article:

31 (a) "Aggrieved person" means a person who was a party to  
32 any intercepted private communication or any person against

1 whom the intercept was directed.

2 (b) "Chief Judge" means, when referring to a judge  
3 authorized to receive application for, and to enter orders  
4 authorizing, interceptions of private communications, the  
5 Chief Judge of the Circuit Court wherein the application for  
6 order of interception is filed, or a Circuit Judge designated  
7 by the Chief Judge to enter these orders. In circuits other  
8 than the Cook County Circuit, "Chief Judge" also means, when  
9 referring to a judge authorized to receive application for,  
10 and to enter orders authorizing, interceptions of private  
11 communications, an Associate Judge authorized by Supreme  
12 Court Rule to try felony cases who is assigned by the Chief  
13 Judge to enter these orders. After assignment by the Chief  
14 Judge, an Associate Judge shall have plenary authority to  
15 issue orders without additional authorization for each  
16 specific application made to him by the State's Attorney  
17 until the time the Associate Judge's power is rescinded by  
18 the Chief Judge.

19 (c) "Communications common carrier" means any person  
20 engaged as a common carrier in the transmission of  
21 communications by wire or radio, not including radio  
22 broadcasting.

23 (d) "Contents" includes information obtained from a  
24 private communication concerning the existence, substance,  
25 purport or meaning of the communication, or the identity of a  
26 party of the communication.

27 (e) "Court of competent jurisdiction" means any circuit  
28 court.

29 (f) "Department" means Illinois Department of State  
30 Police.

31 (g) "Director" means Director of the Illinois Department  
32 of State Police.

33 (g-1) "Electronic communication" means any transfer of  
34 signs, signals, writing, images, sounds, data, or

1 intelligence of any nature transmitted in whole or part by a  
2 wire, radio, pager, computer, or electromagnetic, photo  
3 electronic, or photo optical system where the sending and  
4 receiving parties intend the electronic communication to be  
5 private and the interception, recording, or transcription of  
6 the electronic communication is accomplished by a device in a  
7 surreptitious manner contrary to the provisions of this  
8 Article. "Electronic communication" does not include:

9 (1) any wire or oral communication; or

10 (2) any communication from a tracking device.

11 (h) "Electronic criminal surveillance device" or  
12 "eavesdropping device" means any device or apparatus, or  
13 computer program including an induction coil, that can be  
14 used to intercept private communication other than:

15 (1) Any telephone, telegraph or telecommunication  
16 instrument, equipment or facility, or any component of  
17 it, furnished to the subscriber or user by a  
18 communication common carrier in the ordinary course of  
19 its business, or purchased by any person and being used  
20 by the subscriber, user or person in the ordinary course  
21 of his business, or being used by a communications common  
22 carrier in the ordinary course of its business, or by an  
23 investigative or law enforcement officer in the ordinary  
24 course of his duties; or

25 (2) A hearing aid or similar device being used to  
26 correct subnormal hearing to not better than normal.

27 (i) "Electronic criminal surveillance officer" means any  
28 law enforcement officer or retired law enforcement officer of  
29 the United States or of the State or political subdivision of  
30 it, or of another State, or of a political subdivision of it,  
31 who is certified by the Illinois Department of State Police  
32 to intercept private communications. A retired law  
33 enforcement officer may be certified by the Illinois State  
34 Police only to (i) prepare petitions for the authority to

1 intercept private oral communications in accordance with the  
2 provisions of this Act; (ii) intercept and supervise the  
3 interception of private oral communications; (iii) handle,  
4 safeguard, and use evidence derived from such private oral  
5 communications; and (iv) operate and maintain equipment used  
6 to intercept private oral communications.

7 (j) "In-progress trace" means to determine the origin of  
8 a wire communication to a telephone or telegraph instrument,  
9 equipment or facility during the course of the communication.

10 (k) "Intercept" means the aural or other acquisition of  
11 the contents of any private communication through the use of  
12 any electronic criminal surveillance device.

13 (l) "Journalist" means a person engaged in, connected  
14 with, or employed by news media, including newspapers,  
15 magazines, press associations, news agencies, wire services,  
16 radio, television or other similar media, for the purpose of  
17 gathering, processing, transmitting, compiling, editing or  
18 disseminating news for the general public.

19 (m) "Law enforcement agency" means any law enforcement  
20 agency of the United States, or the State or a political  
21 subdivision of it.

22 (n) "Oral communication" means human speech used to  
23 communicate by one party to another, in person, by wire  
24 communication or by any other means.

25 (o) "Private communication" means a wire, oral, or  
26 electronic communication uttered or transmitted by a person  
27 exhibiting an expectation that the communication is not  
28 subject to interception, under circumstances reasonably  
29 justifying the expectation. Circumstances that reasonably  
30 justify the expectation that a communication is not subject  
31 to interception include the use of a cordless telephone or  
32 cellular communication device.

33 (p) "Wire communication" means any human speech used to  
34 communicate by one party to another in whole or in part

1 through the use of facilities for the transmission of  
2 communications by wire, cable or other like connection  
3 between the point of origin and the point of reception  
4 furnished or operated by a communications common carrier.

5 (q) "Privileged communications" means a private  
6 communication between:

7 (1) a licensed and practicing physician and a  
8 patient within the scope of the profession of the  
9 physician;

10 (2) a licensed and practicing psychologist to a  
11 patient within the scope of the profession of the  
12 psychologist;

13 (3) a licensed and practicing attorney-at-law and a  
14 client within the scope of the profession of the lawyer;

15 (4) a practicing clergyman and a confidant within  
16 the scope of the profession of the clergyman;

17 (5) a practicing journalist within the scope of his  
18 profession;

19 (6) spouses within the scope of their marital  
20 relationship; or

21 (7) a licensed and practicing social worker to a  
22 client within the scope of the profession of the social  
23 worker.

24 (r) "Retired law enforcement officer" means a person:

25 (1) who is a graduate of a police training institute or  
26 academy, who after graduating served for at least 15  
27 consecutive years as a sworn, full-time peace officer  
28 qualified to carry firearms for any federal or State  
29 department or agency or for any unit of local government of  
30 Illinois; (2) who has retired as a local, State, or federal  
31 peace officer in a publicly created peace officer retirement  
32 system; and (3) whose service in law enforcement was  
33 honorably terminated through retirement or disability and not  
34 as a result of discipline, suspension, or discharge.

1 (Source: P.A. 92-854, eff. 12-5-02; 92-863, eff. 1-3-03;  
2 revised 1-9-03.)

3 (725 ILCS 5/108B-5) (from Ch. 38, par. 108B-5)  
4 Sec. 108B-5. Requirements for order of interception.

5 (a) Upon consideration of an application, the chief  
6 judge may enter an ex parte order, as requested or as  
7 modified, authorizing the interception of a private  
8 communication, if the chief judge determines on the basis of  
9 the application submitted by the applicant, that:

10 (1) There is probable cause for belief that (A) ~~(a)~~  
11 the person whose private communication is to be  
12 intercepted is committing, has committed, or is about to  
13 commit an offense enumerated in Section 108B-3, or (B)  
14 ~~(b)~~ the facilities from which, or the place where, the  
15 private communication is to be intercepted, is, has been,  
16 or is about to be used in connection with the commission  
17 of the offense, or is leased to, listed in the name of,  
18 or commonly used by, the person; and

19 (2) There is probable cause for belief that a  
20 particular private communication concerning such offense  
21 may be obtained through the interception; and

22 (3) Normal investigative procedures with respect to  
23 the offense have been tried and have failed or reasonably  
24 appear to be unlikely to succeed if tried or too  
25 dangerous to employ; and

26 (4) The electronic criminal surveillance officers  
27 to be authorized to supervise the interception of the  
28 private communication have been certified by the  
29 Department.

30 (b) In the case of an application, other than for an  
31 extension, for an order to intercept a communication of a  
32 person or on a wire communication facility that was the  
33 subject of a previous order authorizing interception, the



1 application shall be based upon new evidence or information  
2 different from and in addition to the evidence or information  
3 offered to support the prior order, regardless of whether the  
4 evidence was derived from prior interceptions or from other  
5 sources.

6 (c) The chief judge may authorize interception of a  
7 private communication anywhere in the judicial circuit. If  
8 the court authorizes the use of an eavesdropping device with  
9 respect to a vehicle, watercraft, or aircraft that is within  
10 the judicial circuit at the time the order is issued, the  
11 order may provide that the interception may continue anywhere  
12 within the State if the vehicle, watercraft, or aircraft  
13 leaves the judicial circuit.

14 (Source: P.A. 92-854, eff. 12-5-02; revised 1-20-03.)

15 (725 ILCS 5/108B-11) (from Ch. 38, par. 108B-11)

16 Sec. 108B-11. Inventory.

17 (a) Within a reasonable period of time but not later  
18 than 90 days after the termination of the period of the  
19 order, or its extensions, or the date of the denial of an  
20 application made under Section 108B-8, the chief judge  
21 issuing or denying the order or extension shall cause an  
22 inventory to be served on any person:

23 (1) named in the order;

24 (2) arrested as a result of the interception of his  
25 private communication;

26 (3) indicted or otherwise charged as a result of  
27 the interception of his private communication;

28 (4) ~~Any--person~~ whose private communication was  
29 intercepted and who the judge issuing or denying the  
30 order or application may in his discretion determine  
31 should be informed in the interest of justice.

32 (b) The inventory under this Section shall include:

33 (1) notice of the entry of the order or the

1 application for an order denied under Section 108B-8;

2 (2) the date of the entry of the order or the  
3 denial of an order applied for under Section 108B-8;

4 (3) the period of authorized or disapproved  
5 interception; and

6 (4) the fact that during the period a private  
7 communication was or was not intercepted.

8 (c) A court of competent jurisdiction, upon filing of a  
9 motion, may in its discretion make available to those persons  
10 or their attorneys for inspection those portions of the  
11 intercepted communications, applications and orders as the  
12 court determines to be in the interest of justice.

13 (d) On an ex parte showing of good cause to a court of  
14 competent jurisdiction, the serving of the inventories  
15 required by this Section may be postponed for a period not to  
16 exceed 12 months.

17 (Source: P.A. 92-854, eff. 12-5-02; revised 1-20-03.)

18 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

19 Sec. 112A-28. Data maintenance by law enforcement  
20 agencies.

21 (a) All sheriffs shall furnish to the Department of  
22 State Police, daily, in the form and detail the Department  
23 requires, copies of any recorded orders of protection issued  
24 by the court, and any foreign orders of protection filed by  
25 the clerk of the court, and transmitted to the sheriff by the  
26 clerk of the court pursuant to subsection (b) of Section  
27 112A-22 of this Act. Each order of protection shall be  
28 entered in the Law Enforcement Agencies Automated Data System  
29 on the same day it is issued by the court. If an emergency  
30 order of protection was issued in accordance with subsection  
31 (c) of Section 112A-17, the order shall be entered in the Law  
32 Enforcement Agencies Automated Data System as soon as  
33 possible after receipt from the clerk.

1 (b) The Department of State Police shall maintain a  
2 complete and systematic record and index of all valid and  
3 recorded orders of protection issued or filed pursuant to  
4 this Act. The data shall be used to inform all dispatchers  
5 and law enforcement officers at the scene of an alleged  
6 incident of abuse or violation of an order of protection of  
7 any recorded prior incident of abuse involving the abused  
8 party and the effective dates and terms of any recorded order  
9 of protection.

10 (c) The data, records and transmittals required under  
11 this Section shall pertain to any valid emergency, interim or  
12 plenary order of protection, whether issued in a civil or  
13 criminal proceeding or authorized under the laws of another  
14 state, tribe, or United States territory.

15 (Source: P.A. 90-392, eff. 1-1-98; 91-903, eff. 1-1-01;  
16 revised 2-17-03.)

17 Section 51. The Unified Code of Corrections is amended  
18 by changing Sections 5-4-1, 5-4-3, 5-5-3, and 5-8-1.3 as  
19 follows:

20 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

21 Sec. 5-4-1. Sentencing Hearing.

22 (a) Except when the death penalty is sought under  
23 hearing procedures otherwise specified, after a determination  
24 of guilt, a hearing shall be held to impose the sentence.  
25 However, prior to the imposition of sentence on an individual  
26 being sentenced for an offense based upon a charge for a  
27 violation of Section 11-501 of the Illinois Vehicle Code or a  
28 similar provision of a local ordinance, the individual must  
29 undergo a professional evaluation to determine if an alcohol  
30 or other drug abuse problem exists and the extent of such a  
31 problem. Programs conducting these evaluations shall be  
32 licensed by the Department of Human Services. However, if

1 the individual is not a resident of Illinois, the court may,  
2 in its discretion, accept an evaluation from a program in the  
3 state of such individual's residence. The court may in its  
4 sentencing order approve an eligible defendant for placement  
5 in a Department of Corrections impact incarceration program  
6 as provided in Section 5-8-1.1 or 5-8-1.3. At the hearing  
7 the court shall:

8 (1) consider the evidence, if any, received upon  
9 the trial;

10 (2) consider any presentence reports;

11 (3) consider the financial impact of incarceration  
12 based on the financial impact statement filed with the  
13 clerk of the court by the Department of Corrections;

14 (4) consider evidence and information offered by  
15 the parties in aggravation and mitigation;

16 (5) hear arguments as to sentencing alternatives;

17 (6) afford the defendant the opportunity to make a  
18 statement in his own behalf;

19 (7) afford the victim of a violent crime or a  
20 violation of Section 11-501 of the Illinois Vehicle Code,  
21 or a similar provision of a local ordinance, or a  
22 qualified individual affected by a violation of Section  
23 405, 405.1, 405.2, or 407 of the Illinois Controlled  
24 Substances Act, committed by the defendant the  
25 opportunity to make a statement concerning the impact on  
26 the victim and to offer evidence in aggravation or  
27 mitigation; provided that the statement and evidence  
28 offered in aggravation or mitigation must first be  
29 prepared in writing in conjunction with the State's  
30 Attorney before it may be presented orally at the  
31 hearing. Any sworn testimony offered by the victim is  
32 subject to the defendant's right to cross-examine. All  
33 statements and evidence offered under this paragraph (7)  
34 shall become part of the record of the court. For the

1 purpose of this paragraph (7), "qualified individual"  
2 means any person who (i) lived or worked within the  
3 territorial jurisdiction where the offense took place  
4 when the offense took place; and (ii) is familiar with  
5 various public places within the territorial jurisdiction  
6 where the offense took place when the offense took place.  
7 For the purposes of this paragraph (7), "qualified  
8 individual" includes any peace officer, or any member of  
9 any duly organized State, county, or municipal peace unit  
10 assigned to the territorial jurisdiction where the  
11 offense took place when the offense took place; and

12 (8) in cases of reckless homicide afford the  
13 victim's spouse, guardians, parents or other immediate  
14 family members an opportunity to make oral statements.

15 (b) All sentences shall be imposed by the judge based  
16 upon his independent assessment of the elements specified  
17 above and any agreement as to sentence reached by the  
18 parties. The judge who presided at the trial or the judge  
19 who accepted the plea of guilty shall impose the sentence  
20 unless he is no longer sitting as a judge in that court.  
21 Where the judge does not impose sentence at the same time on  
22 all defendants who are convicted as a result of being  
23 involved in the same offense, the defendant or the State's  
24 Attorney may advise the sentencing court of the disposition  
25 of any other defendants who have been sentenced.

26 (c) In imposing a sentence for a violent crime or for an  
27 offense of operating or being in physical control of a  
28 vehicle while under the influence of alcohol, any other drug  
29 or any combination thereof, or a similar provision of a local  
30 ordinance, when such offense resulted in the personal injury  
31 to someone other than the defendant, the trial judge shall  
32 specify on the record the particular evidence, information,  
33 factors in mitigation and aggravation or other reasons that  
34 led to his sentencing determination. The full verbatim record

1 of the sentencing hearing shall be filed with the clerk of  
2 the court and shall be a public record.

3 (c-1) In imposing a sentence for the offense of  
4 aggravated kidnapping for ransom, home invasion, armed  
5 robbery, aggravated vehicular hijacking, aggravated discharge  
6 of a firearm, or armed violence with a category I weapon or  
7 category II weapon, the trial judge shall make a finding as  
8 to whether the conduct leading to conviction for the offense  
9 resulted in great bodily harm to a victim, and shall enter  
10 that finding and the basis for that finding in the record.

11 (c-2) If the defendant is sentenced to prison, other  
12 than when a sentence of natural life imprisonment or a  
13 sentence of death is imposed, at the time the sentence is  
14 imposed the judge shall state on the record in open court the  
15 approximate period of time the defendant will serve in  
16 custody according to the then current statutory rules and  
17 regulations for early release found in Section 3-6-3 and  
18 other related provisions of this Code. This statement is  
19 intended solely to inform the public, has no legal effect on  
20 the defendant's actual release, and may not be relied on by  
21 the defendant on appeal.

22 The judge's statement, to be given after pronouncing the  
23 sentence, other than when the sentence is imposed for one of  
24 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,  
25 shall include the following:

26 "The purpose of this statement is to inform the public of  
27 the actual period of time this defendant is likely to spend  
28 in prison as a result of this sentence. The actual period of  
29 prison time served is determined by the statutes of Illinois  
30 as applied to this sentence by the Illinois Department of  
31 Corrections and the Illinois Prisoner Review Board. In this  
32 case, assuming the defendant receives all of his or her good  
33 conduct credit, the period of estimated actual custody is ...  
34 years and ... months, less up to 180 days additional good

1 conduct credit for meritorious service. If the defendant,  
2 because of his or her own misconduct or failure to comply  
3 with the institutional regulations, does not receive those  
4 credits, the actual time served in prison will be longer.  
5 The defendant may also receive an additional one-half day  
6 good conduct credit for each day of participation in  
7 vocational, industry, substance abuse, and educational  
8 programs as provided for by Illinois statute."

9 When the sentence is imposed for one of the offenses  
10 enumerated in paragraph (a)(3) of Section 3-6-3, other than  
11 when the sentence is imposed for one of the offenses  
12 enumerated in paragraph (a)(2) of Section 3-6-3 committed on  
13 or after June 19, 1998, and other than when the sentence is  
14 imposed for reckless homicide as defined in subsection (e) of  
15 Section 9-3 of the Criminal Code of 1961 if the offense was  
16 committed on or after January 1, 1999, and other than when  
17 the sentence is imposed for aggravated arson if the offense  
18 was committed on or after the effective date of this  
19 amendatory Act of the 92nd General Assembly, the judge's  
20 statement, to be given after pronouncing the sentence, shall  
21 include the following:

22 "The purpose of this statement is to inform the public of  
23 the actual period of time this defendant is likely to spend  
24 in prison as a result of this sentence. The actual period of  
25 prison time served is determined by the statutes of Illinois  
26 as applied to this sentence by the Illinois Department of  
27 Corrections and the Illinois Prisoner Review Board. In this  
28 case, assuming the defendant receives all of his or her good  
29 conduct credit, the period of estimated actual custody is ...  
30 years and ... months, less up to 90 days additional good  
31 conduct credit for meritorious service. If the defendant,  
32 because of his or her own misconduct or failure to comply  
33 with the institutional regulations, does not receive those  
34 credits, the actual time served in prison will be longer.

1 The defendant may also receive an additional one-half day  
2 good conduct credit for each day of participation in  
3 vocational, industry, substance abuse, and educational  
4 programs as provided for by Illinois statute."

5 When the sentence is imposed for one of the offenses  
6 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
7 first degree murder, and the offense was committed on or  
8 after June 19, 1998, and when the sentence is imposed for  
9 reckless homicide as defined in subsection (e) of Section 9-3  
10 of the Criminal Code of 1961 if the offense was committed on  
11 or after January 1, 1999, and when the sentence is imposed  
12 for aggravated arson if the offense was committed on or after  
13 the effective date of this amendatory Act of the 92nd General  
14 Assembly, the judge's statement, to be given after  
15 pronouncing the sentence, shall include the following:

16 "The purpose of this statement is to inform the public of  
17 the actual period of time this defendant is likely to spend  
18 in prison as a result of this sentence. The actual period of  
19 prison time served is determined by the statutes of Illinois  
20 as applied to this sentence by the Illinois Department of  
21 Corrections and the Illinois Prisoner Review Board. In this  
22 case, the defendant is entitled to no more than 4 1/2 days of  
23 good conduct credit for each month of his or her sentence of  
24 imprisonment. Therefore, this defendant will serve at least  
25 85% of his or her sentence. Assuming the defendant receives  
26 4 1/2 days credit for each month of his or her sentence, the  
27 period of estimated actual custody is ... years and ...  
28 months. If the defendant, because of his or her own  
29 misconduct or failure to comply with the institutional  
30 regulations receives lesser credit, the actual time served in  
31 prison will be longer."

32 When a sentence of imprisonment is imposed for first  
33 degree murder and the offense was committed on or after June  
34 19, 1998, the judge's statement, to be given after



1 pronouncing the sentence, shall include the following:

2 "The purpose of this statement is to inform the public of  
3 the actual period of time this defendant is likely to spend  
4 in prison as a result of this sentence. The actual period of  
5 prison time served is determined by the statutes of Illinois  
6 as applied to this sentence by the Illinois Department of  
7 Corrections and the Illinois Prisoner Review Board. In this  
8 case, the defendant is not entitled to good conduct credit.  
9 Therefore, this defendant will serve 100% of his or her  
10 sentence."

11 (d) When the defendant is committed to the Department of  
12 Corrections, the State's Attorney shall and counsel for the  
13 defendant may file a statement with the clerk of the court to  
14 be transmitted to the department, agency or institution to  
15 which the defendant is committed to furnish such department,  
16 agency or institution with the facts and circumstances of the  
17 offense for which the person was committed together with all  
18 other factual information accessible to them in regard to the  
19 person prior to his commitment relative to his habits,  
20 associates, disposition and reputation and any other facts  
21 and circumstances which may aid such department, agency or  
22 institution during its custody of such person. The clerk  
23 shall within 10 days after receiving any such statements  
24 transmit a copy to such department, agency or institution and  
25 a copy to the other party, provided, however, that this shall  
26 not be cause for delay in conveying the person to the  
27 department, agency or institution to which he has been  
28 committed.

29 (e) The clerk of the court shall transmit to the  
30 department, agency or institution, if any, to which the  
31 defendant is committed, the following:

- 32 (1) the sentence imposed;  
33 (2) any statement by the court of the basis for  
34 imposing the sentence;

- 1 (3) any presentence reports;
- 2 (4) the number of days, if any, which the defendant
- 3 has been in custody and for which he is entitled to
- 4 credit against the sentence, which information shall be
- 5 provided to the clerk by the sheriff;
- 6 (4.1) any finding of great bodily harm made by the
- 7 court with respect to an offense enumerated in subsection
- 8 (c-1);
- 9 (5) all statements filed under subsection (d) of
- 10 this Section;
- 11 (6) any medical or mental health records or
- 12 summaries of the defendant;
- 13 (7) the municipality where the arrest of the
- 14 offender or the commission of the offense has occurred,
- 15 where such municipality has a population of more than
- 16 25,000 persons;
- 17 (8) all statements made and evidence offered under
- 18 paragraph (7) of subsection (a) of this Section; and
- 19 (9) all additional matters which the court directs
- 20 the clerk to transmit.

21 (Source: P.A. 91-357, eff. 7-29-99; 91-899, eff. 1-1-01;

22 92-176, eff. 7-27-01; 92-806, eff. 1-1-03; revised 9-18-02.)

23 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

24 Sec. 5-4-3. Persons convicted of, or found delinquent

25 for, certain offenses or institutionalized as sexually

26 dangerous; specimens; genetic marker groups.

27 (a) Any person convicted of, found guilty under the

28 Juvenile Court Act of 1987 for, or who received a disposition

29 of court supervision for, a qualifying offense or attempt of

30 a qualifying offense, convicted or found guilty of any

31 offense classified as a felony under Illinois law, found

32 guilty or given supervision for any offense classified as a

33 felony under the Juvenile Court Act of 1987, or

1 institutionalized as a sexually dangerous person under the  
2 Sexually Dangerous Persons Act, or committed as a sexually  
3 violent person under the Sexually Violent Persons Commitment  
4 Act shall, regardless of the sentence or disposition imposed,  
5 be required to submit specimens of blood, saliva, or tissue  
6 to the Illinois Department of State Police in accordance with  
7 the provisions of this Section, provided such person is:

8 (1) convicted of a qualifying offense or attempt of  
9 a qualifying offense on or after July 1, 1990 ~~the~~  
10 ~~effective-date--of--this--amendatory--Act--of--1989,~~ and  
11 sentenced to a term of imprisonment, periodic  
12 imprisonment, fine, probation, conditional discharge or  
13 any other form of sentence, or given a disposition of  
14 court supervision for the offense; ~~or~~

15 (1.5) found guilty or given supervision under the  
16 Juvenile Court Act of 1987 for a qualifying offense or  
17 attempt of a qualifying offense on or after January 1,  
18 1997; ~~the-effective-date-of-this-amendatory-Act-of--1996,~~  
19 ~~or~~

20 (2) ordered institutionalized as a sexually  
21 dangerous person on or after July 1, 1990; ~~the-effective~~  
22 ~~date-of-this-amendatory-Act-of-1989,~~ ~~or~~

23 (3) convicted of a qualifying offense or attempt of  
24 a qualifying offense before July 1, 1990 ~~the--effective~~  
25 ~~date--of--this--amendatory--Act--of-1989~~ and is presently  
26 confined as a result of such conviction in any State  
27 correctional facility or county jail or is presently  
28 serving a sentence of probation, conditional discharge or  
29 periodic imprisonment as a result of such conviction; ~~or~~

30 (3.5) convicted or found guilty of any offense  
31 classified as a felony under Illinois law or found guilty  
32 or given supervision for such an offense under the  
33 Juvenile Court Act of 1987 on or after August 22, 2002;  
34 ~~the--effective--date---of-this-amendatory-Act-of-the-92nd~~

1 ~~General-Assembly,~~

2 (4) presently institutionalized as a sexually  
3 dangerous person or presently institutionalized as a  
4 person found guilty but mentally ill of a sexual offense  
5 or attempt to commit a sexual offense; ~~or~~

6 (4.5) ordered committed as a sexually violent  
7 person on or after the effective date of the Sexually  
8 Violent Persons Commitment Act; or

9 (5) seeking transfer to or residency in Illinois  
10 under Sections 3-3-11.05 through 3-3-11.5 of the Unified  
11 Code of Corrections and the Interstate Compact for Adult  
12 Offender Supervision or the Interstate Agreements on  
13 Sexually Dangerous Persons Act.

14 Notwithstanding other provisions of this Section, any  
15 person incarcerated in a facility of the Illinois Department  
16 of Corrections on or after August 22, 2002 ~~the-effective-date~~  
17 ~~of--this-amendatory-Act-of-the-92nd-General-Assembly~~ shall be  
18 required to submit a specimen of blood, saliva, or tissue  
19 prior to his or her release on parole or mandatory supervised  
20 release, as a condition of his or her parole or mandatory  
21 supervised release.

22 (a-5) Any person who was otherwise convicted of or  
23 received a disposition of court supervision for any other  
24 offense under the Criminal Code of 1961 or who was found  
25 guilty or given supervision for such a violation under the  
26 Juvenile Court Act of 1987, may, regardless of the sentence  
27 imposed, be required by an order of the court to submit  
28 specimens of blood, saliva, or tissue to the Illinois  
29 Department of State Police in accordance with the provisions  
30 of this Section.

31 (b) Any person required by paragraphs (a)(1), (a)(1.5),  
32 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,  
33 saliva, or tissue shall provide specimens of blood, saliva,  
34 or tissue within 45 days after sentencing or disposition at a

1 collection site designated by the Illinois Department of  
2 State Police.

3 (c) Any person required by paragraphs (a)(3), (a)(4),  
4 and (a)(4.5) to provide specimens of blood, saliva, or tissue  
5 shall be required to provide such samples prior to final  
6 discharge, parole, or release at a collection site designated  
7 by the Illinois Department of State Police.

8 (c-5) Any person required by paragraph (a)(5) to provide  
9 specimens of blood, saliva, or tissue shall, where feasible,  
10 be required to provide the specimens before being accepted  
11 for conditioned residency in Illinois under the interstate  
12 compact or agreement, but no later than 45 days after arrival  
13 in this State.

14 (c-6) The Illinois Department of State Police may  
15 determine which type of specimen or specimens, blood, saliva,  
16 or tissue, is acceptable for submission to the Division of  
17 Forensic Services for analysis.

18 (d) The Illinois Department of State Police shall  
19 provide all equipment and instructions necessary for the  
20 collection of blood samples. The collection of samples shall  
21 be performed in a medically approved manner. Only a  
22 physician authorized to practice medicine, a registered nurse  
23 or other qualified person trained in venipuncture may  
24 withdraw blood for the purposes of this Act. The samples  
25 shall thereafter be forwarded to the Illinois Department of  
26 State Police, Division of Forensic Services, for analysis and  
27 categorizing into genetic marker groupings.

28 (d-1) The Illinois Department of State Police shall  
29 provide all equipment and instructions necessary for the  
30 collection of saliva samples. The collection of saliva  
31 samples shall be performed in a medically approved manner.  
32 Only a person trained in the instructions promulgated by the  
33 Illinois State Police on collecting saliva may collect saliva  
34 for the purposes of this Section. The samples shall

1 thereafter be forwarded to the Illinois Department of State  
2 Police, Division of Forensic Services, for analysis and  
3 categorizing into genetic marker groupings.

4 (d-2) The Illinois Department of State Police shall  
5 provide all equipment and instructions necessary for the  
6 collection of tissue samples. The collection of tissue  
7 samples shall be performed in a medically approved manner.  
8 Only a person trained in the instructions promulgated by the  
9 Illinois State Police on collecting tissue may collect tissue  
10 for the purposes of this Section. The samples shall  
11 thereafter be forwarded to the Illinois Department of State  
12 Police, Division of Forensic Services, for analysis and  
13 categorizing into genetic marker groupings.

14 (d-5) To the extent that funds are available, the  
15 Illinois Department of State Police shall contract with  
16 qualified personnel and certified laboratories for the  
17 collection, analysis, and categorization of known samples.

18 (e) The genetic marker groupings shall be maintained by  
19 the Illinois Department of State Police, Division of Forensic  
20 Services.

21 (f) The genetic marker grouping analysis information  
22 obtained pursuant to this Act shall be confidential and shall  
23 be released only to peace officers of the United States, of  
24 other states or territories, of the insular possessions of  
25 the United States, of foreign countries duly authorized to  
26 receive the same, to all peace officers of the State of  
27 Illinois and to all prosecutorial agencies. The genetic  
28 marker grouping analysis information obtained pursuant to  
29 this Act shall be used only for (i) valid law enforcement  
30 identification purposes and as required by the Federal Bureau  
31 of Investigation for participation in the National DNA  
32 database or (ii) technology validation purposes.  
33 Notwithstanding any other statutory provision to the  
34 contrary, all information obtained under this Section shall

1 be maintained in a single State data base, which may be  
2 uploaded into a national database, and which information may  
3 be subject to expungement only as set forth in subsection  
4 (f-1).

5 (f-1) Upon receipt of notification of a reversal of a  
6 conviction based on actual innocence, or of the granting of a  
7 pardon pursuant to Section 12 of Article V of the Illinois  
8 Constitution, if that pardon document specifically states  
9 that the reason for the pardon is the actual innocence of an  
10 individual whose DNA record has been stored in the State or  
11 national DNA identification index in accordance with this  
12 Section by the Illinois Department of State Police, the DNA  
13 record shall be expunged from the DNA identification index,  
14 and the Department shall by rule prescribe procedures to  
15 ensure that the record and any samples, analyses, or other  
16 documents relating to such record, whether in the possession  
17 of the Department or any law enforcement or police agency, or  
18 any forensic DNA laboratory, including any duplicates or  
19 copies thereof, are destroyed and a letter is sent to the  
20 court verifying the expungement is completed.

21 (f-5) Any person who intentionally uses genetic marker  
22 grouping analysis information, or any other information  
23 derived from a DNA sample, beyond the authorized uses as  
24 provided under this Section, or any other Illinois law, is  
25 guilty of a Class 4 felony, and shall be subject to a fine of  
26 not less than \$5,000.

27 (g) For the purposes of this Section, "qualifying  
28 offense" means any of the following:

29 (1) any violation or inchoate violation of Section  
30 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the  
31 Criminal Code of 1961;~~7-08~~

32 (1.1) any violation or inchoate violation of  
33 Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2,  
34 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961

1 for which persons are convicted on or after July 1,  
2 2001;~~7-0~~

3 (2) any former statute of this State which defined  
4 a felony sexual offense;~~7-0~~

5 (3) (blank);~~7-0~~

6 (4) any inchoate violation of Section 9-3.1,  
7 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961;~~7~~  
8 or

9 (5) any violation or inchoate violation of Article  
10 29D of the Criminal Code of 1961.

11 (g-5) (Blank).

12 (h) The Illinois Department of State Police shall be the  
13 State central repository for all genetic marker grouping  
14 analysis information obtained pursuant to this Act. The  
15 Illinois Department of State Police may promulgate rules for  
16 the form and manner of the collection of blood, saliva, or  
17 tissue samples and other procedures for the operation of this  
18 Act. The provisions of the Administrative Review Law shall  
19 apply to all actions taken under the rules so promulgated.

20 (i) A person required to provide a blood, saliva, or  
21 tissue specimen shall cooperate with the collection of the  
22 specimen and any deliberate act by that person intended to  
23 impede, delay or stop the collection of the blood, saliva, or  
24 tissue specimen is a Class A misdemeanor.

25 (j) Any person required by subsection (a) to submit  
26 specimens of blood, saliva, or tissue to the Illinois  
27 Department of State Police for analysis and categorization  
28 into genetic marker grouping, in addition to any other  
29 disposition, penalty, or fine imposed, shall pay an analysis  
30 fee of \$200. If the analysis fee is not paid at the time of  
31 sentencing, the court shall establish a fee schedule by which  
32 the entire amount of the analysis fee shall be paid in full,  
33 such schedule not to exceed 24 months from the time of  
34 conviction. The inability to pay this analysis fee shall not



1 be the sole ground to incarcerate the person.

2 (k) All analysis and categorization fees provided for by  
3 subsection (j) shall be regulated as follows:

4 (1) The State Offender DNA Identification System  
5 Fund is hereby created as a special fund in the State  
6 Treasury.

7 (2) All fees shall be collected by the clerk of the  
8 court and forwarded to the State Offender DNA  
9 Identification System Fund for deposit. The clerk of the  
10 circuit court may retain the amount of \$10 from each  
11 collected analysis fee to offset administrative costs  
12 incurred in carrying out the clerk's responsibilities  
13 under this Section.

14 (3) Fees deposited into the State Offender DNA  
15 Identification System Fund shall be used by Illinois  
16 State Police crime laboratories as designated by the  
17 Director of State Police. These funds shall be in  
18 addition to any allocations made pursuant to existing  
19 laws and shall be designated for the exclusive use of  
20 State crime laboratories. These uses may include, but  
21 are not limited to, the following:

22 (A) Costs incurred in providing analysis and  
23 genetic marker categorization as required by  
24 subsection (d).

25 (B) Costs incurred in maintaining genetic  
26 marker groupings as required by subsection (e).

27 (C) Costs incurred in the purchase and  
28 maintenance of equipment for use in performing  
29 analyses.

30 (D) Costs incurred in continuing research and  
31 development of new techniques for analysis and  
32 genetic marker categorization.

33 (E) Costs incurred in continuing education,  
34 training, and professional development of forensic

1 scientists regularly employed by these laboratories.

2 (1) The failure of a person to provide a specimen, or of  
3 any person or agency to collect a specimen, within the 45 day  
4 period shall in no way alter the obligation of the person to  
5 submit such specimen, or the authority of the Illinois  
6 Department of State Police or persons designated by the  
7 Department to collect the specimen, or the authority of the  
8 Illinois Department of State Police to accept, analyze and  
9 maintain the specimen or to maintain or upload results of  
10 genetic marker grouping analysis information into a State or  
11 national database.

12 (Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01;  
13 92-40, eff. 6-29-01; 92-571, eff. 6-26-02; 92-600, eff.  
14 6-28-02; 92-829, eff. 8-22-02; 92-854, eff. 12-5-02; revised  
15 1-20-03.)

16 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

17 Sec. 5-5-3. Disposition.

18 (a) Every person convicted of an offense shall be  
19 sentenced as provided in this Section.

20 (b) The following options shall be appropriate  
21 dispositions, alone or in combination, for all felonies and  
22 misdemeanors other than those identified in subsection (c) of  
23 this Section:

24 (1) A period of probation.

25 (2) A term of periodic imprisonment.

26 (3) A term of conditional discharge.

27 (4) A term of imprisonment.

28 (5) An order directing the offender to clean up and  
29 repair the damage, if the offender was convicted under  
30 paragraph (h) of Section 21-1 of the Criminal Code of  
31 1961.

32 (6) A fine.

33 (7) An order directing the offender to make

1 restitution to the victim under Section 5-5-6 of this  
2 Code.

3 (8) A sentence of participation in a county impact  
4 incarceration program under Section 5-8-1.2 of this Code.

5 Whenever an individual is sentenced for an offense based  
6 upon an arrest for a violation of Section 11-501 of the  
7 Illinois Vehicle Code, or a similar provision of a local  
8 ordinance, and the professional evaluation recommends  
9 remedial or rehabilitative treatment or education, neither  
10 the treatment nor the education shall be the sole disposition  
11 and either or both may be imposed only in conjunction with  
12 another disposition. The court shall monitor compliance with  
13 any remedial education or treatment recommendations contained  
14 in the professional evaluation. Programs conducting alcohol  
15 or other drug evaluation or remedial education must be  
16 licensed by the Department of Human Services. However, if  
17 the individual is not a resident of Illinois, the court may  
18 accept an alcohol or other drug evaluation or remedial  
19 education program in the state of such individual's  
20 residence. Programs providing treatment must be licensed  
21 under existing applicable alcoholism and drug treatment  
22 licensure standards.

23 In addition to any other fine or penalty required by law,  
24 any individual convicted of a violation of Section 11-501 of  
25 the Illinois Vehicle Code or a similar provision of local  
26 ordinance, whose operation of a motor vehicle while in  
27 violation of Section 11-501 or such ordinance proximately  
28 caused an incident resulting in an appropriate emergency  
29 response, shall be required to make restitution to a public  
30 agency for the costs of that emergency response. Such  
31 restitution shall not exceed \$500 per public agency for each  
32 such emergency response. For the purpose of this paragraph,  
33 emergency response shall mean any incident requiring a  
34 response by: a police officer as defined under Section 1-162

1 of the Illinois Vehicle Code; a fireman carried on the rolls  
2 of a regularly constituted fire department; and an ambulance  
3 as defined under Section 3.85 4-05 of the Emergency Medical  
4 Services (EMS) Systems Act.

5 Neither a fine nor restitution shall be the sole  
6 disposition for a felony and either or both may be imposed  
7 only in conjunction with another disposition.

8 (c) (1) When a defendant is found guilty of first degree  
9 murder the State may either seek a sentence of  
10 imprisonment under Section 5-8-1 of this Code, or where  
11 appropriate seek a sentence of death under Section 9-1 of  
12 the Criminal Code of 1961.

13 (2) A period of probation, a term of periodic  
14 imprisonment or conditional discharge shall not be  
15 imposed for the following offenses. The court shall  
16 sentence the offender to not less than the minimum term  
17 of imprisonment set forth in this Code for the following  
18 offenses, and may order a fine or restitution or both in  
19 conjunction with such term of imprisonment:

20 (A) First degree murder where the death  
21 penalty is not imposed.

22 (B) Attempted first degree murder.

23 (C) A Class X felony.

24 (D) A violation of Section 401.1 or 407 of the  
25 Illinois Controlled Substances Act, or a violation  
26 of subdivision (c)(1) or (c)(2) of Section 401 of  
27 that Act which relates to more than 5 grams of a  
28 substance containing heroin or cocaine or an analog  
29 thereof.

30 (E) A violation of Section 5.1 or 9 of the  
31 Cannabis Control Act.

32 (F) A Class 2 or greater felony if the  
33 offender had been convicted of a Class 2 or greater  
34 felony within 10 years of the date on which the

1 offender committed the offense for which he or she  
2 is being sentenced, except as otherwise provided in  
3 Section 40-10 of the Alcoholism and Other Drug Abuse  
4 and Dependency Act.

5 (G) Residential burglary, except as otherwise  
6 provided in Section 40-10 of the Alcoholism and  
7 Other Drug Abuse and Dependency Act.

8 (H) Criminal sexual assault, except as  
9 otherwise provided in subsection (e) of this  
10 Section.

11 (I) Aggravated battery of a senior citizen.

12 (J) A forcible felony if the offense was  
13 related to the activities of an organized gang.

14 Before July 1, 1994, for the purposes of this  
15 paragraph, "organized gang" means an association of  
16 5 or more persons, with an established hierarchy,  
17 that encourages members of the association to  
18 perpetrate crimes or provides support to the members  
19 of the association who do commit crimes.

20 Beginning July 1, 1994, for the purposes of  
21 this paragraph, "organized gang" has the meaning  
22 ascribed to it in Section 10 of the Illinois  
23 Streetgang Terrorism Omnibus Prevention Act.

24 (K) Vehicular hijacking.

25 (L) A second or subsequent conviction for the  
26 offense of hate crime when the underlying offense  
27 upon which the hate crime is based is felony  
28 aggravated assault or felony mob action.

29 (M) A second or subsequent conviction for the  
30 offense of institutional vandalism if the damage to  
31 the property exceeds \$300.

32 (N) A Class 3 felony violation of paragraph  
33 (1) of subsection (a) of Section 2 of the Firearm  
34 Owners Identification Card Act.

1 (O) A violation of Section 12-6.1 of the  
2 Criminal Code of 1961.

3 (P) A violation of paragraph (1), (2), (3),  
4 (4), (5), or (7) of subsection (a) of Section  
5 11-20.1 of the Criminal Code of 1961.

6 (Q) A violation of Section 20-1.2 of the  
7 Criminal Code of 1961.

8 (R) A violation of Section 24-3A of the  
9 Criminal Code of 1961.

10 (S) A violation of Section 11-501(c-1)(3) of  
11 the Illinois Vehicle Code.

12 (3) A minimum term of imprisonment of not less than  
13 5 days or 30 days of community service as may be  
14 determined by the court shall be imposed for a second  
15 violation committed within 5 years of a previous  
16 violation of Section 11-501 of the Illinois Vehicle Code  
17 or a similar provision of a local ordinance. In the case  
18 of a third or subsequent violation committed within 5  
19 years of a previous violation of Section 11-501 of the  
20 Illinois Vehicle Code or a similar provision of a local  
21 ordinance, a minimum term of either 10 days of  
22 imprisonment or 60 days of community service shall be  
23 imposed.

24 (4) A minimum term of imprisonment of not less than  
25 10 consecutive days or 30 days of community service shall  
26 be imposed for a violation of paragraph (c) of Section  
27 6-303 of the Illinois Vehicle Code.

28 (4.1) A minimum term of 30 consecutive days of  
29 imprisonment, 40 days of 24 hour periodic imprisonment or  
30 720 hours of community service, as may be determined by  
31 the court, shall be imposed for a violation of Section  
32 11-501 of the Illinois Vehicle Code during a period in  
33 which the defendant's driving privileges are revoked or  
34 suspended, where the revocation or suspension was for a

1 violation of Section 11-501 or Section 11-501.1 of that  
2 Code.

3 (4.2) Except as provided in paragraph (4.3) of this  
4 subsection (c), a minimum of 100 hours of community  
5 service shall be imposed for a second violation of  
6 Section 6-303 of the Illinois Vehicle Code.

7 (4.3) A minimum term of imprisonment of 30 days or  
8 300 hours of community service, as determined by the  
9 court, shall be imposed for a second violation of  
10 subsection (c) of Section 6-303 of the Illinois Vehicle  
11 Code.

12 (4.4) Except as provided in paragraph (4.5) and  
13 paragraph (4.6) of this subsection (c), a minimum term of  
14 imprisonment of 30 days or 300 hours of community  
15 service, as determined by the court, shall be imposed for  
16 a third or subsequent violation of Section 6-303 of the  
17 Illinois Vehicle Code.

18 (4.5) A minimum term of imprisonment of 30 days  
19 shall be imposed for a third violation of subsection (c)  
20 of Section 6-303 of the Illinois Vehicle Code.

21 (4.6) A minimum term of imprisonment of 180 days  
22 shall be imposed for a fourth or subsequent violation of  
23 subsection (c) of Section 6-303 of the Illinois Vehicle  
24 Code.

25 (5) The court may sentence an offender convicted of  
26 a business offense or a petty offense or a corporation or  
27 unincorporated association convicted of any offense to:

- 28 (A) a period of conditional discharge;
- 29 (B) a fine;
- 30 (C) make restitution to the victim under  
31 Section 5-5-6 of this Code.

32 (5.1) In addition to any penalties imposed under  
33 paragraph (5) of this subsection (c), and except as  
34 provided in paragraph (5.2) or (5.3), a person convicted

1 of violating subsection (c) of Section 11-907 of the  
2 Illinois Vehicle Code shall have his or her driver's  
3 license, permit, or privileges suspended for at least 90  
4 days but not more than one year, if the violation  
5 resulted in damage to the property of another person.

6 (5.2) In addition to any penalties imposed under  
7 paragraph (5) of this subsection (c), and except as  
8 provided in paragraph (5.3), a person convicted of  
9 violating subsection (c) of Section 11-907 of the  
10 Illinois Vehicle Code shall have his or her driver's  
11 license, permit, or privileges suspended for at least 180  
12 days but not more than 2 years, if the violation resulted  
13 in injury to another person.

14 (5.3) In addition to any penalties imposed under  
15 paragraph (5) of this subsection (c), a person convicted  
16 of violating subsection (c) of Section 11-907 of the  
17 Illinois Vehicle Code shall have his or her driver's  
18 license, permit, or privileges suspended for 2 years, if  
19 the violation resulted in the death of another person.

20 (6) In no case shall an offender be eligible for a  
21 disposition of probation or conditional discharge for a  
22 Class 1 felony committed while he was serving a term of  
23 probation or conditional discharge for a felony.

24 (7) When a defendant is adjudged a habitual  
25 criminal under Article 33B of the Criminal Code of 1961,  
26 the court shall sentence the defendant to a term of  
27 natural life imprisonment.

28 (8) When a defendant, over the age of 21 years, is  
29 convicted of a Class 1 or Class 2 felony, after having  
30 twice been convicted in any state or federal court of an  
31 offense that contains the same elements as an offense now  
32 classified in Illinois as a Class 2 or greater Class  
33 felony and such charges are separately brought and tried  
34 and arise out of different series of acts, such defendant



1 shall be sentenced as a Class X offender. This paragraph  
2 shall not apply unless (1) the first felony was committed  
3 after the effective date of this amendatory Act of 1977;  
4 and (2) the second felony was committed after conviction  
5 on the first; and (3) the third felony was committed  
6 after conviction on the second. A person sentenced as a  
7 Class X offender under this paragraph is not eligible to  
8 apply for treatment as a condition of probation as  
9 provided by Section 40-10 of the Alcoholism and Other  
10 Drug Abuse and Dependency Act.

11 (9) A defendant convicted of a second or subsequent  
12 offense of ritualized abuse of a child may be sentenced  
13 to a term of natural life imprisonment.

14 (10) When a person is convicted of violating  
15 Section 11-501 of the Illinois Vehicle Code or a similar  
16 provision of a local ordinance, the following penalties  
17 apply when his or her blood, breath, or urine was .16 or  
18 more based on the definition of blood, breath, or urine  
19 units in Section 11-501.2 or that person is convicted of  
20 violating Section 11-501 of the Illinois Vehicle Code  
21 while transporting a child under the age of 16:

22 (A) For a first violation of subsection (a) of  
23 Section 11-501, in addition to any other penalty  
24 that may be imposed under subsection (c) of Section  
25 11-501: a mandatory minimum of 100 hours of  
26 community service and a minimum fine of \$500.

27 (B) For a second violation of subsection (a)  
28 of Section 11-501, in addition to any other penalty  
29 that may be imposed under subsection (c) of Section  
30 11-501 within 10 years: a mandatory minimum of 2  
31 days of imprisonment and a minimum fine of \$1,250.

32 (C) For a third violation of subsection (a) of  
33 Section 11-501, in addition to any other penalty  
34 that may be imposed under subsection (c) of Section

1 11-501 within 20 years: a mandatory minimum of 90  
2 days of imprisonment and a minimum fine of \$2,500.

3 (D) For a fourth or subsequent violation of  
4 subsection (a) of Section 11-501: ineligibility for  
5 a sentence of probation or conditional discharge and  
6 a minimum fine of \$2,500.

7 (d) In any case in which a sentence originally imposed  
8 is vacated, the case shall be remanded to the trial court.  
9 The trial court shall hold a hearing under Section 5-4-1 of  
10 the Unified Code of Corrections which may include evidence of  
11 the defendant's life, moral character and occupation during  
12 the time since the original sentence was passed. The trial  
13 court shall then impose sentence upon the defendant. The  
14 trial court may impose any sentence which could have been  
15 imposed at the original trial subject to Section 5-5-4 of the  
16 Unified Code of Corrections. If a sentence is vacated on  
17 appeal or on collateral attack due to the failure of the  
18 trier of fact at trial to determine beyond a reasonable doubt  
19 the existence of a fact (other than a prior conviction)  
20 necessary to increase the punishment for the offense beyond  
21 the statutory maximum otherwise applicable, either the  
22 defendant may be re-sentenced to a term within the range  
23 otherwise provided or, if the State files notice of its  
24 intention to again seek the extended sentence, the defendant  
25 shall be afforded a new trial.

26 (e) In cases where prosecution for criminal sexual  
27 assault or aggravated criminal sexual abuse under Section  
28 12-13 or 12-16 of the Criminal Code of 1961 results in  
29 conviction of a defendant who was a family member of the  
30 victim at the time of the commission of the offense, the  
31 court shall consider the safety and welfare of the victim and  
32 may impose a sentence of probation only where:

33 (1) the court finds (A) or (B) or both are  
34 appropriate:

1 (A) the defendant is willing to undergo a  
2 court approved counseling program for a minimum  
3 duration of 2 years; or

4 (B) the defendant is willing to participate in  
5 a court approved plan including but not limited to  
6 the defendant's:

7 (i) removal from the household;

8 (ii) restricted contact with the victim;

9 (iii) continued financial support of the  
10 family;

11 (iv) restitution for harm done to the  
12 victim; and

13 (v) compliance with any other measures  
14 that the court may deem appropriate; and

15 (2) the court orders the defendant to pay for the  
16 victim's counseling services, to the extent that the  
17 court finds, after considering the defendant's income and  
18 assets, that the defendant is financially capable of  
19 paying for such services, if the victim was under 18  
20 years of age at the time the offense was committed and  
21 requires counseling as a result of the offense.

22 Probation may be revoked or modified pursuant to Section  
23 5-6-4; except where the court determines at the hearing that  
24 the defendant violated a condition of his or her probation  
25 restricting contact with the victim or other family members  
26 or commits another offense with the victim or other family  
27 members, the court shall revoke the defendant's probation and  
28 impose a term of imprisonment.

29 For the purposes of this Section, "family member" and  
30 "victim" shall have the meanings ascribed to them in Section  
31 12-12 of the Criminal Code of 1961.

32 (f) This Article shall not deprive a court in other  
33 proceedings to order a forfeiture of property, to suspend or  
34 cancel a license, to remove a person from office, or to

1 impose any other civil penalty.

2 (g) Whenever a defendant is convicted of an offense  
3 under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18,  
4 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1,  
5 12-15 or 12-16 of the Criminal Code of 1961, the defendant  
6 shall undergo medical testing to determine whether the  
7 defendant has any sexually transmissible disease, including a  
8 test for infection with human immunodeficiency virus (HIV) or  
9 any other identified causative agent of acquired  
10 immunodeficiency syndrome (AIDS). Any such medical test  
11 shall be performed only by appropriately licensed medical  
12 practitioners and may include an analysis of any bodily  
13 fluids as well as an examination of the defendant's person.  
14 Except as otherwise provided by law, the results of such test  
15 shall be kept strictly confidential by all medical personnel  
16 involved in the testing and must be personally delivered in a  
17 sealed envelope to the judge of the court in which the  
18 conviction was entered for the judge's inspection in camera.  
19 Acting in accordance with the best interests of the victim  
20 and the public, the judge shall have the discretion to  
21 determine to whom, if anyone, the results of the testing may  
22 be revealed. The court shall notify the defendant of the test  
23 results. The court shall also notify the victim if requested  
24 by the victim, and if the victim is under the age of 15 and  
25 if requested by the victim's parents or legal guardian, the  
26 court shall notify the victim's parents or legal guardian of  
27 the test results. The court shall provide information on the  
28 availability of HIV testing and counseling at Department of  
29 Public Health facilities to all parties to whom the results  
30 of the testing are revealed and shall direct the State's  
31 Attorney to provide the information to the victim when  
32 possible. A State's Attorney may petition the court to obtain  
33 the results of any HIV test administered under this Section,  
34 and the court shall grant the disclosure if the State's

1 Attorney shows it is relevant in order to prosecute a charge  
2 of criminal transmission of HIV under Section 12-16.2 of the  
3 Criminal Code of 1961 against the defendant. The court shall  
4 order that the cost of any such test shall be paid by the  
5 county and may be taxed as costs against the convicted  
6 defendant.

7 (g-5) When an inmate is tested for an airborne  
8 communicable disease, as determined by the Illinois  
9 Department of Public Health including but not limited to  
10 tuberculosis, the results of the test shall be personally  
11 delivered by the warden or his or her designee in a sealed  
12 envelope to the judge of the court in which the inmate must  
13 appear for the judge's inspection in camera if requested by  
14 the judge. Acting in accordance with the best interests of  
15 those in the courtroom, the judge shall have the discretion  
16 to determine what if any precautions need to be taken to  
17 prevent transmission of the disease in the courtroom.

18 (h) Whenever a defendant is convicted of an offense  
19 under Section 1 or 2 of the Hypodermic Syringes and Needles  
20 Act, the defendant shall undergo medical testing to determine  
21 whether the defendant has been exposed to human  
22 immunodeficiency virus (HIV) or any other identified  
23 causative agent of acquired immunodeficiency syndrome (AIDS).  
24 Except as otherwise provided by law, the results of such test  
25 shall be kept strictly confidential by all medical personnel  
26 involved in the testing and must be personally delivered in a  
27 sealed envelope to the judge of the court in which the  
28 conviction was entered for the judge's inspection in camera.  
29 Acting in accordance with the best interests of the public,  
30 the judge shall have the discretion to determine to whom, if  
31 anyone, the results of the testing may be revealed. The court  
32 shall notify the defendant of a positive test showing an  
33 infection with the human immunodeficiency virus (HIV). The  
34 court shall provide information on the availability of HIV

1 testing and counseling at Department of Public Health  
2 facilities to all parties to whom the results of the testing  
3 are revealed and shall direct the State's Attorney to provide  
4 the information to the victim when possible. A State's  
5 Attorney may petition the court to obtain the results of any  
6 HIV test administered under this Section, and the court  
7 shall grant the disclosure if the State's Attorney shows it  
8 is relevant in order to prosecute a charge of criminal  
9 transmission of HIV under Section 12-16.2 of the Criminal  
10 Code of 1961 against the defendant. The court shall order  
11 that the cost of any such test shall be paid by the county  
12 and may be taxed as costs against the convicted defendant.

13 (i) All fines and penalties imposed under this Section  
14 for any violation of Chapters 3, 4, 6, and 11 of the Illinois  
15 Vehicle Code, or a similar provision of a local ordinance,  
16 and any violation of the Child Passenger Protection Act, or a  
17 similar provision of a local ordinance, shall be collected  
18 and disbursed by the circuit clerk as provided under Section  
19 27.5 of the Clerks of Courts Act.

20 (j) In cases when prosecution for any violation of  
21 Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1,  
22 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,  
23 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or  
24 12-16 of the Criminal Code of 1961, any violation of the  
25 Illinois Controlled Substances Act, or any violation of the  
26 Cannabis Control Act results in conviction, a disposition of  
27 court supervision, or an order of probation granted under  
28 Section 10 of the Cannabis Control Act or Section 410 of the  
29 Illinois Controlled Substance Act of a defendant, the court  
30 shall determine whether the defendant is employed by a  
31 facility or center as defined under the Child Care Act of  
32 1969, a public or private elementary or secondary school, or  
33 otherwise works with children under 18 years of age on a  
34 daily basis. When a defendant is so employed, the court

1 shall order the Clerk of the Court to send a copy of the  
2 judgment of conviction or order of supervision or probation  
3 to the defendant's employer by certified mail. If the  
4 employer of the defendant is a school, the Clerk of the Court  
5 shall direct the mailing of a copy of the judgment of  
6 conviction or order of supervision or probation to the  
7 appropriate regional superintendent of schools. The regional  
8 superintendent of schools shall notify the State Board of  
9 Education of any notification under this subsection.

10 (j-5) A defendant at least 17 years of age who is  
11 convicted of a felony and who has not been previously  
12 convicted of a misdemeanor or felony and who is sentenced to  
13 a term of imprisonment in the Illinois Department of  
14 Corrections shall as a condition of his or her sentence be  
15 required by the court to attend educational courses designed  
16 to prepare the defendant for a high school diploma and to  
17 work toward a high school diploma or to work toward passing  
18 the high school level Test of General Educational Development  
19 (GED) or to work toward completing a vocational training  
20 program offered by the Department of Corrections. If a  
21 defendant fails to complete the educational training required  
22 by his or her sentence during the term of incarceration, the  
23 Prisoner Review Board shall, as a condition of mandatory  
24 supervised release, require the defendant, at his or her own  
25 expense, to pursue a course of study toward a high school  
26 diploma or passage of the GED test. The Prisoner Review  
27 Board shall revoke the mandatory supervised release of a  
28 defendant who wilfully fails to comply with this subsection  
29 (j-5) upon his or her release from confinement in a penal  
30 institution while serving a mandatory supervised release  
31 term; however, the inability of the defendant after making a  
32 good faith effort to obtain financial aid or pay for the  
33 educational training shall not be deemed a wilful failure to  
34 comply. The Prisoner Review Board shall recommit the

1 defendant whose mandatory supervised release term has been  
2 revoked under this subsection (j-5) as provided in Section  
3 3-3-9. This subsection (j-5) does not apply to a defendant  
4 who has a high school diploma or has successfully passed the  
5 GED test. This subsection (j-5) does not apply to a defendant  
6 who is determined by the court to be developmentally disabled  
7 or otherwise mentally incapable of completing the educational  
8 or vocational program.

9 (k) A court may not impose a sentence or disposition for  
10 a felony or misdemeanor that requires the defendant to be  
11 implanted or injected with or to use any form of birth  
12 control.

13 (l) (A) Except as provided in paragraph (C) of  
14 subsection (l), whenever a defendant, who is an alien as  
15 defined by the Immigration and Nationality Act, is  
16 convicted of any felony or misdemeanor offense, the court  
17 after sentencing the defendant may, upon motion of the  
18 State's Attorney, hold sentence in abeyance and remand  
19 the defendant to the custody of the Attorney General of  
20 the United States or his or her designated agent to be  
21 deported when:

22 (1) a final order of deportation has been  
23 issued against the defendant pursuant to proceedings  
24 under the Immigration and Nationality Act, and

25 (2) the deportation of the defendant would not  
26 deprecate the seriousness of the defendant's conduct  
27 and would not be inconsistent with the ends of  
28 justice.

29 Otherwise, the defendant shall be sentenced as  
30 provided in this Chapter V.

31 (B) If the defendant has already been sentenced for  
32 a felony or misdemeanor offense, or has been placed on  
33 probation under Section 10 of the Cannabis Control Act or  
34 Section 410 of the Illinois Controlled Substances Act,



1 the court may, upon motion of the State's Attorney to  
2 suspend the sentence imposed, commit the defendant to the  
3 custody of the Attorney General of the United States or  
4 his or her designated agent when:

5 (1) a final order of deportation has been  
6 issued against the defendant pursuant to proceedings  
7 under the Immigration and Nationality Act, and

8 (2) the deportation of the defendant would not  
9 deprecate the seriousness of the defendant's conduct  
10 and would not be inconsistent with the ends of  
11 justice.

12 (C) This subsection (1) does not apply to offenders  
13 who are subject to the provisions of paragraph (2) of  
14 subsection (a) of Section 3-6-3.

15 (D) Upon motion of the State's Attorney, if a  
16 defendant sentenced under this Section returns to the  
17 jurisdiction of the United States, the defendant shall be  
18 recommitted to the custody of the county from which he or  
19 she was sentenced. Thereafter, the defendant shall be  
20 brought before the sentencing court, which may impose any  
21 sentence that was available under Section 5-5-3 at the  
22 time of initial sentencing. In addition, the defendant  
23 shall not be eligible for additional good conduct credit  
24 for meritorious service as provided under Section 3-6-6.

25 (m) A person convicted of criminal defacement of  
26 property under Section 21-1.3 of the Criminal Code of 1961,  
27 in which the property damage exceeds \$300 and the property  
28 damaged is a school building, shall be ordered to perform  
29 community service that may include cleanup, removal, or  
30 painting over the defacement.

31 (Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00;  
32 91-663, eff. 12-22-99; 91-695, eff. 4-13-00; 91-953, eff.  
33 2-23-01; 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283,  
34 eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01;

1 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff.  
2 7-19-02; revised 2-17-03.)

3 (730 ILCS 5/5-8-1.3)

4 Sec. 5-8-1.3. Pilot residential and transition treatment  
5 program for women.

6 (a) The General Assembly recognizes:

7 (1) that drug-offending women with children who  
8 have been in and out of the criminal justice system for  
9 years are a serious problem;

10 (2) that the intergenerational cycle of women  
11 continuously being part of the criminal justice system  
12 needs to be broken;

13 (3) that the effects of drug offending women with  
14 children disrupts family harmony and creates an  
15 atmosphere that is not conducive to healthy childhood  
16 development;

17 (4) that there is a need for an effective  
18 residential community supervision model to provide help  
19 to women to become drug free, recover from trauma, focus  
20 on healthy mother-child relationships, and establish  
21 economic independence and long-term support;

22 (5) that certain non-violent women offenders with  
23 children eligible for sentences of incarceration, may  
24 benefit from the rehabilitative aspects of gender  
25 responsive treatment programs and services. This Section  
26 shall not be construed to allow violent offenders to  
27 participate in a treatment program.

28 (b) Under the direction of the sheriff and with the  
29 approval of the county board of commissioners, the sheriff,  
30 in any county with more than 3,000,000 inhabitants, may  
31 operate a residential and transition treatment program for  
32 women established by the Illinois Department of Corrections  
33 if funding has been provided by federal, local or private

1 entities. If the court finds during the sentencing hearing  
2 conducted under Section 5-4-1 that a woman convicted of a  
3 felony meets the eligibility requirements of the sheriff's  
4 residential and transition treatment program for women, the  
5 court may refer the offender to the sheriff's residential and  
6 transition treatment program for women for consideration as a  
7 participant as an alternative to incarceration in the  
8 penitentiary. The sheriff shall be responsible for  
9 supervising all women who are placed in the residential and  
10 transition treatment program for women for the 12-month  
11 period. In the event that the woman is not accepted for  
12 placement in the sheriff's residential and transition  
13 treatment program for women, the court shall proceed to  
14 sentence the woman to any other disposition authorized by  
15 this Code. If the woman does not successfully complete the  
16 residential and transition treatment program for women, the  
17 woman's failure to do so shall constitute a violation of the  
18 sentence to the residential and transition treatment program  
19 for women.

20 (c) In order to be eligible to be a participant in the  
21 pilot residential and transition treatment program for women,  
22 the participant shall meet all of the following conditions:

23 (1) The woman has not been convicted of a violent  
24 crime as defined in subsection (c) of Section 3 of the  
25 Rights of Crime Victims and Witnesses Act, a Class X  
26 felony, first or second degree murder, armed violence,  
27 aggravated kidnapping, criminal sexual assault,  
28 aggravated criminal sexual abuse or a subsequent  
29 conviction for criminal sexual abuse, forcible detention,  
30 or arson and has not been previously convicted of any of  
31 those offenses.

32 (2) The woman must undergo an initial assessment  
33 evaluation to determine the treatment and program plan.

34 (3) The woman was recommended and accepted for

1 placement in the pilot residential and transition  
2 treatment program for women by the Department of  
3 Corrections and has consented in writing to participation  
4 in the program under the terms and conditions of the  
5 program. The Department of Corrections may consider  
6 whether space is available.

7 (d) The program may include a substance abuse treatment  
8 program designed for women offenders, mental health, trauma,  
9 and medical treatment; parenting skills and family  
10 relationship counseling, preparation for a GED or vocational  
11 certificate; life skills program; job readiness and job skill  
12 training, and a community transition development plan.

13 (e) With the approval of the Department of Corrections,  
14 the sheriff shall issue requirements for the program and  
15 inform the participants who shall sign an agreement to adhere  
16 to all rules and all requirements for the pilot residential  
17 and transition treatment program.

18 (f) Participation in the pilot residential and  
19 transition treatment program for women shall be for a period  
20 not to exceed 12 months. The period may not be reduced by  
21 accumulation of good time.

22 (g) If the woman successfully completes the pilot  
23 residential and transition treatment program for women, the  
24 sheriff shall notify the Department of Corrections, the  
25 court, and the State's Attorney of the county of the woman's  
26 successful completion.

27 (h) A woman may be removed from the pilot residential  
28 and transition treatment program for women for violation of  
29 the terms and conditions of the program or in the event she  
30 is unable to participate. The failure to complete the program  
31 shall be deemed a violation of the conditions of the program.  
32 The sheriff shall give notice to the Department of  
33 Corrections, the court, and the State's Attorney of the  
34 woman's failure to complete the program. The Department of

1 Corrections or its designee shall file a petition alleging  
2 that the woman has violated the conditions of the program  
3 with the court. The State's Attorney may proceed on the  
4 petition under Section 5-4-1 of this Code.

5 (i) The conditions of the pilot residential and  
6 transition treatment program for women shall include that the  
7 woman while in the program:

8 (1) not violate any criminal statute of any  
9 jurisdiction;

10 (2) report or appear in person before any person or  
11 agency as directed by the court, the sheriff, or  
12 Department of Corrections;

13 (3) refrain from possessing a firearm or other  
14 dangerous weapon;

15 (4) consent to drug testing;

16 (5) not leave the State without the consent of the  
17 court or, in circumstances in which reason for the  
18 absence is of such an emergency nature that prior consent  
19 by the court is not possible, without prior notification  
20 and approval of the Department of Corrections;

21 (6) upon placement in the program, must agree to  
22 follow all requirements of the program.

23 (j) The Department of Corrections or the sheriff may  
24 terminate the program at any time by mutual agreement or with  
25 30 days prior written notice by either the Department of  
26 Corrections or the sheriff.

27 (k) The Department of Corrections may enter into a joint  
28 contract with a county with more than 3,000,000 inhabitants  
29 to establish and operate a pilot residential and treatment  
30 program for women.

31 (l) The Director of the Department of Corrections shall  
32 have the authority to develop rules to establish and operate  
33 a pilot residential and treatment program for women that  
34 shall include criteria for selection of the participants of

1 the program in conjunction and approval by the sentencing  
2 court. Violent crime offenders are not eligible to  
3 participate in the program.

4 (m) The Department shall report to the Governor and the  
5 General Assembly before September 30th of each year on the  
6 pilot residential and treatment program for women, including  
7 the composition of the program by offenders, sentence, age,  
8 offense, and race.

9 (n) The Department of Corrections or the sheriff may  
10 terminate the program with 30 days prior written notice.

11 (o) A county with more than 3,000,000 inhabitants is  
12 authorized to apply for funding from federal, local or  
13 private entities to create a Residential and Treatment  
14 Program for Women. This sentencing option may not go into  
15 effect until the funding is secured for the program and the  
16 program has been established.

17 (Source: P.A. 92-806, eff. 1-1-03; revised 1-20-03.)

18 Section 52. The Open Parole Hearings Act is amended by  
19 changing Section 25 as follows:

20 (730 ILCS 105/25) (from Ch. 38, par. 1675)

21 Sec. 25. Notification of future parole hearings.

22 (a) The Board shall notify the State's Attorney of the  
23 committing county of the pending hearing and the victim of  
24 all forthcoming parole hearings at least 15 days in advance.  
25 Written notification shall contain:

- 26 (1) notification of the place of the hearing;
- 27 (2) the date and approximate time of the hearing;
- 28 (3) their right to enter a statement, to appear in  
29 person, and to submit other information by video tape,  
30 tape recording, or other electronic means in the form and  
31 manner described by the Board.

32 Notification to the victims shall be at the last known

1 address of the victim. It shall be the responsibility of the  
2 victim to notify the board of any changes in address and  
3 name.

4 (b) However, at any time the victim may request by a  
5 written certified statement that the Prisoner Review Board  
6 stop sending notice under this Section.

7 (c) (Blank).

8 (d) No later than 7 days after a parole hearing the  
9 Board shall send notice of its decision to the State's  
10 Attorney and victim. If parole is denied, the Board shall  
11 within a reasonable period of time notify the victim of the  
12 month and year of the next scheduled hearing.

13 (Source: P.A. 87-224; revised 1-20-03.)

14 Section 53. The Code of Civil Procedure is amended by  
15 changing Section 2-1401 as follows:

16 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

17 Sec. 2-1401. Relief from judgments.

18 (a) Relief from final orders and judgments, after 30  
19 days from the entry thereof, may be had upon petition as  
20 provided in this Section. Writs of error coram nobis and  
21 coram vobis, bills of review and bills in the nature of bills  
22 of review are abolished. All relief heretofore obtainable  
23 and the grounds for such relief heretofore available, whether  
24 by any of the foregoing remedies or otherwise, shall be  
25 available in every case, by proceedings hereunder, regardless  
26 of the nature of the order or judgment from which relief is  
27 sought or of the proceedings in which it was entered. Except  
28 as provided in Section 6 of the Illinois Parentage Act of  
29 1984, there shall be no distinction between actions and other  
30 proceedings, statutory or otherwise, as to availability of  
31 relief, grounds for relief or the relief obtainable.

32 (b) The petition must be filed in the same proceeding in

1 which the order or judgment was entered but is not a  
2 continuation thereof. The petition must be supported by  
3 affidavit or other appropriate showing as to matters not of  
4 record. All parties to the petition shall be notified as  
5 provided by rule.

6 (c) Except as provided in Section 20b of the Adoption  
7 Act and Section 2-32 3-32 of the Juvenile Court Act of 1987  
8 or in a petition based upon Section 116-3 of the Code of  
9 Criminal Procedure of 1963, the petition must be filed not  
10 later than 2 years after the entry of the order or judgment.  
11 Time during which the person seeking relief is under legal  
12 disability or duress or the ground for relief is fraudulently  
13 concealed shall be excluded in computing the period of 2  
14 years.

15 (d) The filing of a petition under this Section does not  
16 affect the order or judgment, or suspend its operation.

17 (e) Unless lack of jurisdiction affirmatively appears  
18 from the record proper, the vacation or modification of an  
19 order or judgment pursuant to the provisions of this Section  
20 does not affect the right, title or interest in or to any  
21 real or personal property of any person, not a party to the  
22 original action, acquired for value after the entry of the  
23 order or judgment but before the filing of the petition, nor  
24 affect any right of any person not a party to the original  
25 action under any certificate of sale issued before the filing  
26 of the petition, pursuant to a sale based on the order or  
27 judgment.

28 (f) Nothing contained in this Section affects any  
29 existing right to relief from a void order or judgment, or to  
30 employ any existing method to procure that relief.

31 (Source: P.A. 90-18, eff. 7-1-97; 90-27, eff. 1-1-98; 90-141,  
32 eff. 1-1-98; 90-655, eff. 7-30-98; revised 11-06-02.)

33 Section 54. The Illinois Marriage and Dissolution of



1 Marriage Act is amended by changing Section 510 as follows:

2 (750 ILCS 5/510) (from Ch. 40, par. 510)

3 (Text of Section before amendment by P.A. 92-876)

4 Sec. 510. Modification and termination of provisions for  
5 maintenance, support, educational expenses, and property  
6 disposition.

7 (a) Except as otherwise provided in paragraph (f) of  
8 Section 502 and in subsection (b), clause (3) of Section  
9 505.2, the provisions of any judgment respecting maintenance  
10 or support may be modified only as to installments accruing  
11 subsequent to due notice by the moving party of the filing of  
12 the motion for modification and, with respect to maintenance,  
13 only upon a showing of a substantial change in circumstances.  
14 An order for child support may be modified as follows:

15 (1) upon a showing of a substantial change in  
16 circumstances; and

17 (2) without the necessity of showing a substantial  
18 change in circumstances, as follows:

19 (A) upon a showing of an inconsistency of at  
20 least 20%, but no less than \$10 per month, between  
21 the amount of the existing order and the amount of  
22 child support that results from application of the  
23 guidelines specified in Section 505 of this Act  
24 unless the inconsistency is due to the fact that the  
25 amount of the existing order resulted from a  
26 deviation from the guideline amount and there has  
27 not been a change in the circumstances that resulted  
28 in that deviation; or

29 (B) Upon a showing of a need to provide for  
30 the health care needs of the child under the order  
31 through health insurance or other means. In no  
32 event shall the eligibility for or receipt of  
33 medical assistance be considered to meet the need to

1 provide for the child's health care needs.

2 The provisions of subparagraph (a)(2)(A) shall apply only  
3 in cases in which a party is receiving child support  
4 enforcement services from the Illinois Department of Public  
5 Aid under Article X of the Illinois Public Aid Code, and only  
6 when at least 36 months have elapsed since the order for  
7 child support was entered or last modified.

8 (b) The provisions as to property disposition may not be  
9 revoked or modified, unless the court finds the existence of  
10 conditions that justify the reopening of a judgment under the  
11 laws of this State.

12 (c) Unless otherwise agreed by the parties in a written  
13 agreement set forth in the judgment or otherwise approved by  
14 the court, the obligation to pay future maintenance is  
15 terminated upon the death of either party, or the remarriage  
16 of the party receiving maintenance, or if the party receiving  
17 maintenance cohabits with another person on a resident,  
18 continuing conjugal basis.

19 (d) Unless otherwise agreed in writing or expressly  
20 provided in a judgment, provisions for the support of a child  
21 are terminated by emancipation of the child, except as  
22 otherwise provided herein, but not by the death of a parent  
23 obligated to support or educate the child. An existing  
24 obligation to pay for support or educational expenses, or  
25 both, is not terminated by the death of a parent. When a  
26 parent obligated to pay support or educational expenses, or  
27 both, dies, the amount of support or educational expenses, or  
28 both, may be enforced, modified, revoked or commuted to a  
29 lump sum payment, as equity may require, and that  
30 determination may be provided for at the time of the  
31 dissolution of the marriage or thereafter.

32 (e) The right to petition for support or educational  
33 expenses, or both, under Sections 505 and 513 is not  
34 extinguished by the death of a parent. Upon a petition filed

1 before or after a parent's death, the court may award sums of  
2 money out of the decedent's estate for the child's support or  
3 educational expenses, or both, as equity may require. The  
4 time within which a claim may be filed against the estate of  
5 a decedent under Sections 505 and 513 and subsection (d) and  
6 this subsection shall be governed by the provisions of the  
7 Probate Act of 1975, as a barrable, noncontingent claim.

8 (f) A petition to modify or terminate child support,  
9 custody, or visitation shall not delay any child support  
10 enforcement litigation or supplementary proceeding on behalf  
11 of the obligee, including, but not limited to, a petition for  
12 a rule to show cause, for non-wage garnishment, or for a  
13 restraining order.

14 (Source: P.A. 92-289, eff. 8-9-01; 92-590, eff. 7-1-02;  
15 92-651, eff. 7-11-02.)

16 (Text of Section after amendment by P.A. 92-876)

17 Sec. 510. Modification and termination of provisions for  
18 maintenance, support, educational expenses, and property  
19 disposition.

20 (a) Except as otherwise provided in paragraph (f) of  
21 Section 502 and in subsection (b), clause (3) of Section  
22 505.2, the provisions of any judgment respecting maintenance  
23 or support may be modified only as to installments accruing  
24 subsequent to due notice by the moving party of the filing of  
25 the motion for modification and, with respect to maintenance,  
26 only upon a showing of a substantial change in circumstances.  
27 An order for child support may be modified as follows:

28 (1) upon a showing of a substantial change in  
29 circumstances; and

30 (2) without the necessity of showing a substantial  
31 change in circumstances, as follows:

32 (A) upon a showing of an inconsistency of at  
33 least 20%, but no less than \$10 per month, between  
34 the amount of the existing order and the amount of

1 child support that results from application of the  
2 guidelines specified in Section 505 of this Act  
3 unless the inconsistency is due to the fact that the  
4 amount of the existing order resulted from a  
5 deviation from the guideline amount and there has  
6 not been a change in the circumstances that resulted  
7 in that deviation; or

8 (B) Upon a showing of a need to provide for  
9 the health care needs of the child under the order  
10 through health insurance or other means. In no  
11 event shall the eligibility for or receipt of  
12 medical assistance be considered to meet the need to  
13 provide for the child's health care needs.

14 The provisions of subparagraph (a)(2)(A) shall apply only  
15 in cases in which a party is receiving child support  
16 enforcement services from the Illinois Department of Public  
17 Aid under Article X of the Illinois Public Aid Code, and only  
18 when at least 36 months have elapsed since the order for  
19 child support was entered or last modified.

20 (b) The provisions as to property disposition may not be  
21 revoked or modified, unless the court finds the existence of  
22 conditions that justify the reopening of a judgment under the  
23 laws of this State.

24 (c) Unless otherwise agreed by the parties in a written  
25 agreement set forth in the judgment or otherwise approved by  
26 the court, the obligation to pay future maintenance is  
27 terminated upon the death of either party, or the remarriage  
28 of the party receiving maintenance, or if the party receiving  
29 maintenance cohabits with another person on a resident,  
30 continuing conjugal basis.

31 (d) Unless otherwise provided in this Act, or as agreed  
32 in writing or expressly provided in the judgment, provisions  
33 for the support of a child are terminated by emancipation of  
34 the child, or if the child has attained the age of 18 and is

1 still attending high school, provisions for the support of  
2 the child are terminated upon the date that the child  
3 graduates from high school or the date the child attains the  
4 age of 19, whichever is earlier, but not by the death of a  
5 parent obligated to support or educate the child. An existing  
6 obligation to pay for support or educational expenses, or  
7 both, is not terminated by the death of a parent. When a  
8 parent obligated to pay support or educational expenses, or  
9 both, dies, the amount of support or educational expenses, or  
10 both, may be enforced, modified, revoked or commuted to a  
11 lump sum payment, as equity may require, and that  
12 determination may be provided for at the time of the  
13 dissolution of the marriage or thereafter.

14 (e) The right to petition for support or educational  
15 expenses, or both, under Sections 505 and 513 is not  
16 extinguished by the death of a parent. Upon a petition filed  
17 before or after a parent's death, the court may award sums of  
18 money out of the decedent's estate for the child's support or  
19 educational expenses, or both, as equity may require. The  
20 time within which a claim may be filed against the estate of  
21 a decedent under Sections 505 and 513 and subsection (d) and  
22 this subsection shall be governed by the provisions of the  
23 Probate Act of 1975, as a barrable, noncontingent claim.

24 (f) A petition to modify or terminate child support,  
25 custody, or visitation shall not delay any child support  
26 enforcement litigation or supplementary proceeding on behalf  
27 of the obligee, including, but not limited to, a petition for  
28 a rule to show cause, for non-wage garnishment, or for a  
29 restraining order.

30 (Source: P.A. 92-289, eff. 8-9-01; 92-590, eff. 7-1-02;  
31 92-651, eff. 7-11-02; 92-876, eff. 6-1-03; revised 1-14-03.)

32 Section 55. The Non-Support Punishment Act is amended by  
33 changing Section 20 as follows:

1 (750 ILCS 16/20)

2 (Text of Section before amendment by P.A. 92-876)

3 Sec. 20. Entry of order for support; income withholding.

4 (a) In a case in which no court or administrative order  
5 for support is in effect against the defendant:

6 (1) at any time before the trial, upon motion of  
7 the State's Attorney, or of the Attorney General if the  
8 action has been instituted by his office, and upon notice  
9 to the defendant, or at the time of arraignment or as a  
10 condition of postponement of arraignment, the court may  
11 enter such temporary order for support as may seem just,  
12 providing for the support or maintenance of the spouse or  
13 child or children of the defendant, or both, pendente  
14 lite; or

15 (2) before trial with the consent of the defendant,  
16 or at the trial on entry of a plea of guilty, or after  
17 conviction, instead of imposing the penalty provided in  
18 this Act, or in addition thereto, the court may enter an  
19 order for support, subject to modification by the court  
20 from time to time as circumstances may require, directing  
21 the defendant to pay a certain sum for maintenance of the  
22 spouse, or for support of the child or children, or both.

23 (b) The court shall determine the amount of child  
24 support by using the guidelines and standards set forth in  
25 subsection (a) of Section 505 and in Section 505.2 of the  
26 Illinois Marriage and Dissolution of Marriage Act.

27 If (i) the non-custodial parent was properly served with  
28 a request for discovery of financial information relating to  
29 the non-custodial parent's ability to provide child support,  
30 (ii) the non-custodial parent failed to comply with the  
31 request, despite having been ordered to do so by the court,  
32 and (iii) the non-custodial parent is not present at the  
33 hearing to determine support despite having received proper  
34 notice, then any relevant financial information concerning

1 the non-custodial parent's ability to provide support that  
2 was obtained pursuant to subpoena and proper notice shall be  
3 admitted into evidence without the need to establish any  
4 further foundation for its admission.

5 (c) The court shall determine the amount of maintenance  
6 using the standards set forth in Section 504 of the Illinois  
7 Marriage and Dissolution of Marriage Act.

8 (d) The court may, for violation of any order under this  
9 Section, punish the offender as for a contempt of court, but  
10 no pendente lite order shall remain in effect longer than 4  
11 months, or after the discharge of any panel of jurors  
12 summoned for service thereafter in such court, whichever is  
13 sooner.

14 (e) Any order for support entered by the court under  
15 this Section shall be deemed to be a series of judgments  
16 against the person obligated to pay support under the  
17 judgments, each such judgment to be in the amount of each  
18 payment or installment of support and each judgment to be  
19 deemed entered as of the date the corresponding payment or  
20 installment becomes due under the terms of the support order.  
21 Each judgment shall have the full force, effect, and  
22 attributes of any other judgment of this State, including the  
23 ability to be enforced. Each judgment is subject to  
24 modification or termination only in accordance with Section  
25 510 of the Illinois Marriage and Dissolution of Marriage Act.  
26 A lien arises by operation of law against the real and  
27 personal property of the noncustodial parent for each  
28 installment of overdue support owed by the noncustodial  
29 parent.

30 (f) An order for support entered under this Section  
31 shall include a provision requiring the obligor to report to  
32 the obligee and to the clerk of the court within 10 days each  
33 time the obligor obtains new employment, and each time the  
34 obligor's employment is terminated for any reason. The

1 report shall be in writing and shall, in the case of new  
2 employment, include the name and address of the new employer.

3 Failure to report new employment or the termination of  
4 current employment, if coupled with nonpayment of support for  
5 a period in excess of 60 days, is indirect criminal contempt.  
6 For any obligor arrested for failure to report new  
7 employment, bond shall be set in the amount of the child  
8 support that should have been paid during the period of  
9 unreported employment.

10 An order for support entered under this Section shall  
11 also include a provision requiring the obligor and obligee  
12 parents to advise each other of a change in residence within  
13 5 days of the change except when the court finds that the  
14 physical, mental, or emotional health of a party or of a  
15 minor child, or both, would be seriously endangered by  
16 disclosure of the party's address.

17 (g) An order for support entered or modified in a case  
18 in which a party is receiving child support enforcement  
19 services under Article X of the Illinois Public Aid Code  
20 shall include a provision requiring the noncustodial parent  
21 to notify the Illinois Department of Public Aid, within 7  
22 days, of the name and address of any new employer of the  
23 noncustodial parent, whether the noncustodial parent has  
24 access to health insurance coverage through the employer or  
25 other group coverage and, if so, the policy name and number  
26 and the names of persons covered under the policy.

27 (h) In any subsequent action to enforce an order for  
28 support entered under this Act, upon sufficient showing that  
29 diligent effort has been made to ascertain the location of  
30 the noncustodial parent, service of process or provision of  
31 notice necessary in that action may be made at the last known  
32 address of the noncustodial parent, in any manner expressly  
33 provided by the Code of Civil Procedure or in this Act, which  
34 service shall be sufficient for purposes of due process.



1 (i) An order for support shall include a date on which  
2 the current support obligation terminates. The termination  
3 date shall be no earlier than the date on which the child  
4 covered by the order will attain the age of majority or is  
5 otherwise emancipated. The order for support shall state that  
6 the termination date does not apply to any arrearage that may  
7 remain unpaid on that date. Nothing in this subsection shall  
8 be construed to prevent the court from modifying the order.

9 (j) A support obligation, or any portion of a support  
10 obligation, which becomes due and remains unpaid for 30 days  
11 or more shall accrue simple interest at the rate of 9% per  
12 annum. An order for support entered or modified on or after  
13 January 1, 2002 shall contain a statement that a support  
14 obligation required under the order, or any portion of a  
15 support obligation required under the order, that becomes due  
16 and remains unpaid for 30 days or more shall accrue simple  
17 interest at the rate of 9% per annum. Failure to include the  
18 statement in the order for support does not affect the  
19 validity of the order or the accrual of interest as provided  
20 in this Section.

21 (Source: P.A. 91-613, eff. 10-1-99; 91-767, eff. 6-9-00;  
22 92-374, eff. 8-15-01; 92-590, eff. 7-1-02.)

23 (Text of Section after amendment by P.A. 92-876)

24 Sec. 20. Entry of order for support; income withholding.

25 (a) In a case in which no court or administrative order  
26 for support is in effect against the defendant:

27 (1) at any time before the trial, upon motion of  
28 the State's Attorney, or of the Attorney General if the  
29 action has been instituted by his office, and upon notice  
30 to the defendant, or at the time of arraignment or as a  
31 condition of postponement of arraignment, the court may  
32 enter such temporary order for support as may seem just,  
33 providing for the support or maintenance of the spouse or  
34 child or children of the defendant, or both, pendente

1           lite; or

2                   (2) before trial with the consent of the defendant,  
3           or at the trial on entry of a plea of guilty, or after  
4           conviction, instead of imposing the penalty provided in  
5           this Act, or in addition thereto, the court may enter an  
6           order for support, subject to modification by the court  
7           from time to time as circumstances may require, directing  
8           the defendant to pay a certain sum for maintenance of the  
9           spouse, or for support of the child or children, or both.

10           (b) The court shall determine the amount of child  
11           support by using the guidelines and standards set forth in  
12           subsection (a) of Section 505 and in Section 505.2 of the  
13           Illinois Marriage and Dissolution of Marriage Act.

14           If (i) the non-custodial parent was properly served with  
15           a request for discovery of financial information relating to  
16           the non-custodial parent's ability to provide child support,  
17           (ii) the non-custodial parent failed to comply with the  
18           request, despite having been ordered to do so by the court,  
19           and (iii) the non-custodial parent is not present at the  
20           hearing to determine support despite having received proper  
21           notice, then any relevant financial information concerning  
22           the non-custodial parent's ability to provide support that  
23           was obtained pursuant to subpoena and proper notice shall be  
24           admitted into evidence without the need to establish any  
25           further foundation for its admission.

26           (c) The court shall determine the amount of maintenance  
27           using the standards set forth in Section 504 of the Illinois  
28           Marriage and Dissolution of Marriage Act.

29           (d) The court may, for violation of any order under this  
30           Section, punish the offender as for a contempt of court, but  
31           no pendente lite order shall remain in effect longer than 4  
32           months, or after the discharge of any panel of jurors  
33           summoned for service thereafter in such court, whichever is  
34           sooner.

1 (e) Any order for support entered by the court under  
2 this Section shall be deemed to be a series of judgments  
3 against the person obligated to pay support under the  
4 judgments, each such judgment to be in the amount of each  
5 payment or installment of support and each judgment to be  
6 deemed entered as of the date the corresponding payment or  
7 installment becomes due under the terms of the support order.  
8 Each judgment shall have the full force, effect, and  
9 attributes of any other judgment of this State, including the  
10 ability to be enforced. Each judgment is subject to  
11 modification or termination only in accordance with Section  
12 510 of the Illinois Marriage and Dissolution of Marriage Act.  
13 A lien arises by operation of law against the real and  
14 personal property of the noncustodial parent for each  
15 installment of overdue support owed by the noncustodial  
16 parent.

17 (f) An order for support entered under this Section  
18 shall include a provision requiring the obligor to report to  
19 the obligee and to the clerk of the court within 10 days each  
20 time the obligor obtains new employment, and each time the  
21 obligor's employment is terminated for any reason. The  
22 report shall be in writing and shall, in the case of new  
23 employment, include the name and address of the new employer.

24 Failure to report new employment or the termination of  
25 current employment, if coupled with nonpayment of support for  
26 a period in excess of 60 days, is indirect criminal contempt.  
27 For any obligor arrested for failure to report new  
28 employment, bond shall be set in the amount of the child  
29 support that should have been paid during the period of  
30 unreported employment.

31 An order for support entered under this Section shall  
32 also include a provision requiring the obligor and obligee  
33 parents to advise each other of a change in residence within  
34 5 days of the change except when the court finds that the

1 physical, mental, or emotional health of a party or of a  
2 minor child, or both, would be seriously endangered by  
3 disclosure of the party's address.

4 (g) An order for support entered or modified in a case  
5 in which a party is receiving child support enforcement  
6 services under Article X of the Illinois Public Aid Code  
7 shall include a provision requiring the noncustodial parent  
8 to notify the Illinois Department of Public Aid, within 7  
9 days, of the name and address of any new employer of the  
10 noncustodial parent, whether the noncustodial parent has  
11 access to health insurance coverage through the employer or  
12 other group coverage and, if so, the policy name and number  
13 and the names of persons covered under the policy.

14 (h) In any subsequent action to enforce an order for  
15 support entered under this Act, upon sufficient showing that  
16 diligent effort has been made to ascertain the location of  
17 the noncustodial parent, service of process or provision of  
18 notice necessary in that action may be made at the last known  
19 address of the noncustodial parent, in any manner expressly  
20 provided by the Code of Civil Procedure or in this Act, which  
21 service shall be sufficient for purposes of due process.

22 (i) An order for support shall include a date on which  
23 the current support obligation terminates. The termination  
24 date shall be no earlier than the date on which the child  
25 covered by the order will attain the age of 18. However, if  
26 the child will not graduate from high school until after  
27 attaining the age of 18, then the termination date shall be  
28 no earlier than the earlier of the date on which the child's  
29 high school graduation will occur or the date on which the  
30 child will attain the age of 19. The order for support shall  
31 state that the termination date does not apply to any  
32 arrearage that may remain unpaid on that date. Nothing in  
33 this subsection shall be construed to prevent the court from  
34 modifying the order or terminating the order in the event the

1 child is otherwise emancipated.

2 (j) A support obligation, or any portion of a support  
3 obligation, which becomes due and remains unpaid for 30 days  
4 or more shall accrue simple interest at the rate of 9% per  
5 annum. An order for support entered or modified on or after  
6 January 1, 2002 shall contain a statement that a support  
7 obligation required under the order, or any portion of a  
8 support obligation required under the order, that becomes due  
9 and remains unpaid for 30 days or more shall accrue simple  
10 interest at the rate of 9% per annum. Failure to include the  
11 statement in the order for support does not affect the  
12 validity of the order or the accrual of interest as provided  
13 in this Section.

14 (Source: P.A. 91-613, eff. 10-1-99; 91-767, eff. 6-9-00;  
15 92-374, eff. 8-15-01; 92-590, eff. 7-1-02; 92-876, eff.  
16 6-1-03; revised 1-14-03.)

17 Section 56. The Illinois Parentage Act of 1984 is  
18 amended by changing Section 14 as follows:

19 (750 ILCS 45/14) (from Ch. 40, par. 2514)

20 (Text of Section before amendment by P.A. 92-876)

21 Sec. 14. Judgment.

22 (a) (1) The judgment shall contain or explicitly reserve  
23 provisions concerning any duty and amount of child support  
24 and may contain provisions concerning the custody and  
25 guardianship of the child, visitation privileges with the  
26 child, the furnishing of bond or other security for the  
27 payment of the judgment, which the court shall determine in  
28 accordance with the relevant factors set forth in the  
29 Illinois Marriage and Dissolution of Marriage Act and any  
30 other applicable law of Illinois, to guide the court in a  
31 finding in the best interests of the child. In determining  
32 custody, joint custody, or visitation, the court shall apply

1 the relevant standards of the Illinois Marriage and  
2 Dissolution of Marriage Act. Specifically, in determining the  
3 amount of any child support award, the court shall use the  
4 guidelines and standards set forth in subsection (a) of  
5 Section 505 and in Section 505.2 of the Illinois Marriage and  
6 Dissolution of Marriage Act. For purposes of Section 505 of  
7 the Illinois Marriage and Dissolution of Marriage Act, "net  
8 income" of the non-custodial parent shall include any  
9 benefits available to that person under the Illinois Public  
10 Aid Code or from other federal, State or local  
11 government-funded programs. The court shall, in any event  
12 and regardless of the amount of the non-custodial parent's  
13 net income, in its judgment order the non-custodial parent to  
14 pay child support to the custodial parent in a minimum amount  
15 of not less than \$10 per month. In an action brought within 2  
16 years after a child's birth, the judgment or order may direct  
17 either parent to pay the reasonable expenses incurred by  
18 either parent related to the mother's pregnancy and the  
19 delivery of the child. The judgment or order shall contain  
20 the father's social security number, which the father shall  
21 disclose to the court; however, failure to include the  
22 father's social security number on the judgment or order does  
23 not invalidate the judgment or order.

24 (2) If a judgment of parentage contains no explicit  
25 award of custody, the establishment of a support obligation  
26 or of visitation rights in one parent shall be considered a  
27 judgment granting custody to the other parent. If the  
28 parentage judgment contains no such provisions, custody shall  
29 be presumed to be with the mother; however, the presumption  
30 shall not apply if the father has had physical custody for at  
31 least 6 months prior to the date that the mother seeks to  
32 enforce custodial rights.

33 (b) The court shall order all child support payments,  
34 determined in accordance with such guidelines, to commence

1 with the date summons is served. The level of current  
2 periodic support payments shall not be reduced because of  
3 payments set for the period prior to the date of entry of the  
4 support order. The Court may order any child support  
5 payments to be made for a period prior to the commencement of  
6 the action. In determining whether and the extent to which  
7 the payments shall be made for any prior period, the court  
8 shall consider all relevant facts, including the factors for  
9 determining the amount of support specified in the Illinois  
10 Marriage and Dissolution of Marriage Act and other equitable  
11 factors including but not limited to:

12 (1) The father's prior knowledge of the fact and  
13 circumstances of the child's birth.

14 (2) The father's prior willingness or refusal to  
15 help raise or support the child.

16 (3) The extent to which the mother or the public  
17 agency bringing the action previously informed the father  
18 of the child's needs or attempted to seek or require his  
19 help in raising or supporting the child.

20 (4) The reasons the mother or the public agency did  
21 not file the action earlier.

22 (5) The extent to which the father would be  
23 prejudiced by the delay in bringing the action.

24 For purposes of determining the amount of child support  
25 to be paid for any period before the date the order for  
26 current child support is entered, there is a rebuttable  
27 presumption that the father's net income for the prior period  
28 was the same as his net income at the time the order for  
29 current child support is entered.

30 If (i) the non-custodial parent was properly served with  
31 a request for discovery of financial information relating to  
32 the non-custodial parent's ability to provide child support,  
33 (ii) the non-custodial parent failed to comply with the  
34 request, despite having been ordered to do so by the court,

1 and (iii) the non-custodial parent is not present at the  
2 hearing to determine support despite having received proper  
3 notice, then any relevant financial information concerning  
4 the non-custodial parent's ability to provide child support  
5 that was obtained pursuant to subpoena and proper notice  
6 shall be admitted into evidence without the need to establish  
7 any further foundation for its admission.

8 (c) Any new or existing support order entered by the  
9 court under this Section shall be deemed to be a series of  
10 judgments against the person obligated to pay support  
11 thereunder, each judgment to be in the amount of each payment  
12 or installment of support and each such judgment to be deemed  
13 entered as of the date the corresponding payment or  
14 installment becomes due under the terms of the support order.  
15 Each judgment shall have the full force, effect and  
16 attributes of any other judgment of this State, including the  
17 ability to be enforced. A lien arises by operation of law  
18 against the real and personal property of the noncustodial  
19 parent for each installment of overdue support owed by the  
20 noncustodial parent.

21 (d) If the judgment or order of the court is at variance  
22 with the child's birth certificate, the court shall order  
23 that a new birth certificate be issued under the Vital  
24 Records Act.

25 (e) On request of the mother and the father, the court  
26 shall order a change in the child's name. After hearing  
27 evidence the court may stay payment of support during the  
28 period of the father's minority or period of disability.

29 (f) If, upon a showing of proper service, the father  
30 fails to appear in court, or otherwise appear as provided by  
31 law, the court may proceed to hear the cause upon testimony  
32 of the mother or other parties taken in open court and shall  
33 enter a judgment by default. The court may reserve any order  
34 as to the amount of child support until the father has



1 received notice, by regular mail, of a hearing on the matter.

2 (g) A one-time charge of 20% is imposable upon the  
3 amount of past-due child support owed on July 1, 1988 which  
4 has accrued under a support order entered by the court. The  
5 charge shall be imposed in accordance with the provisions of  
6 Section 10-21 of the Illinois Public Aid Code and shall be  
7 enforced by the court upon petition.

8 (h) All orders for support, when entered or modified,  
9 shall include a provision requiring the non-custodial parent  
10 to notify the court and, in cases in which party is receiving  
11 child support enforcement services under Article X of the  
12 Illinois Public Aid Code, the Illinois Department of Public  
13 Aid, within 7 days, (i) of the name and address of any new  
14 employer of the non-custodial parent, (ii) whether the  
15 non-custodial parent has access to health insurance coverage  
16 through the employer or other group coverage and, if so, the  
17 policy name and number and the names of persons covered under  
18 the policy, and (iii) of any new residential or mailing  
19 address or telephone number of the non-custodial parent. In  
20 any subsequent action to enforce a support order, upon a  
21 sufficient showing that a diligent effort has been made to  
22 ascertain the location of the non-custodial parent, service  
23 of process or provision of notice necessary in the case may  
24 be made at the last known address of the non-custodial parent  
25 in any manner expressly provided by the Code of Civil  
26 Procedure or this Act, which service shall be sufficient for  
27 purposes of due process.

28 (i) An order for support shall include a date on which  
29 the current support obligation terminates. The termination  
30 date shall be no earlier than the date on which the child  
31 covered by the order will attain the age of majority or is  
32 otherwise emancipated. The order for support shall state  
33 that the termination date does not apply to any arrearage  
34 that may remain unpaid on that date. Nothing in this

1 subsection shall be construed to prevent the court from  
2 modifying the order.

3 (j) An order entered under this Section shall include a  
4 provision requiring the obligor to report to the obligee and  
5 to the clerk of court within 10 days each time the obligor  
6 obtains new employment, and each time the obligor's  
7 employment is terminated for any reason. The report shall be  
8 in writing and shall, in the case of new employment, include  
9 the name and address of the new employer. Failure to report  
10 new employment or the termination of current employment, if  
11 coupled with nonpayment of support for a period in excess of  
12 60 days, is indirect criminal contempt. For any obligor  
13 arrested for failure to report new employment bond shall be  
14 set in the amount of the child support that should have been  
15 paid during the period of unreported employment. An order  
16 entered under this Section shall also include a provision  
17 requiring the obligor and obligee parents to advise each  
18 other of a change in residence within 5 days of the change  
19 except when the court finds that the physical, mental, or  
20 emotional health of a party or that of a minor child, or  
21 both, would be seriously endangered by disclosure of the  
22 party's address.

23 (Source: P.A. 91-767, eff. 6-9-00; 92-590, eff. 7-1-02.)

24 (Text of Section after amendment by P.A. 92-876)

25 Sec. 14. Judgment.

26 (a) (1) The judgment shall contain or explicitly reserve  
27 provisions concerning any duty and amount of child support  
28 and may contain provisions concerning the custody and  
29 guardianship of the child, visitation privileges with the  
30 child, the furnishing of bond or other security for the  
31 payment of the judgment, which the court shall determine in  
32 accordance with the relevant factors set forth in the  
33 Illinois Marriage and Dissolution of Marriage Act and any  
34 other applicable law of Illinois, to guide the court in a

1 finding in the best interests of the child. In determining  
2 custody, joint custody, or visitation, the court shall apply  
3 the relevant standards of the Illinois Marriage and  
4 Dissolution of Marriage Act. Specifically, in determining the  
5 amount of any child support award, the court shall use the  
6 guidelines and standards set forth in subsection (a) of  
7 Section 505 and in Section 505.2 of the Illinois Marriage and  
8 Dissolution of Marriage Act. For purposes of Section 505 of  
9 the Illinois Marriage and Dissolution of Marriage Act, "net  
10 income" of the non-custodial parent shall include any  
11 benefits available to that person under the Illinois Public  
12 Aid Code or from other federal, State or local  
13 government-funded programs. The court shall, in any event  
14 and regardless of the amount of the non-custodial parent's  
15 net income, in its judgment order the non-custodial parent to  
16 pay child support to the custodial parent in a minimum amount  
17 of not less than \$10 per month. In an action brought within 2  
18 years after a child's birth, the judgment or order may direct  
19 either parent to pay the reasonable expenses incurred by  
20 either parent related to the mother's pregnancy and the  
21 delivery of the child. The judgment or order shall contain  
22 the father's social security number, which the father shall  
23 disclose to the court; however, failure to include the  
24 father's social security number on the judgment or order does  
25 not invalidate the judgment or order.

26 (2) If a judgment of parentage contains no explicit  
27 award of custody, the establishment of a support obligation  
28 or of visitation rights in one parent shall be considered a  
29 judgment granting custody to the other parent. If the  
30 parentage judgment contains no such provisions, custody shall  
31 be presumed to be with the mother; however, the presumption  
32 shall not apply if the father has had physical custody for at  
33 least 6 months prior to the date that the mother seeks to  
34 enforce custodial rights.

1 (b) The court shall order all child support payments,  
2 determined in accordance with such guidelines, to commence  
3 with the date summons is served. The level of current  
4 periodic support payments shall not be reduced because of  
5 payments set for the period prior to the date of entry of the  
6 support order. The Court may order any child support  
7 payments to be made for a period prior to the commencement of  
8 the action. In determining whether and the extent to which  
9 the payments shall be made for any prior period, the court  
10 shall consider all relevant facts, including the factors for  
11 determining the amount of support specified in the Illinois  
12 Marriage and Dissolution of Marriage Act and other equitable  
13 factors including but not limited to:

14 (1) The father's prior knowledge of the fact and  
15 circumstances of the child's birth.

16 (2) The father's prior willingness or refusal to  
17 help raise or support the child.

18 (3) The extent to which the mother or the public  
19 agency bringing the action previously informed the father  
20 of the child's needs or attempted to seek or require his  
21 help in raising or supporting the child.

22 (4) The reasons the mother or the public agency did  
23 not file the action earlier.

24 (5) The extent to which the father would be  
25 prejudiced by the delay in bringing the action.

26 For purposes of determining the amount of child support  
27 to be paid for any period before the date the order for  
28 current child support is entered, there is a rebuttable  
29 presumption that the father's net income for the prior period  
30 was the same as his net income at the time the order for  
31 current child support is entered.

32 If (i) the non-custodial parent was properly served with  
33 a request for discovery of financial information relating to  
34 the non-custodial parent's ability to provide child support,

1 (ii) the non-custodial parent failed to comply with the  
2 request, despite having been ordered to do so by the court,  
3 and (iii) the non-custodial parent is not present at the  
4 hearing to determine support despite having received proper  
5 notice, then any relevant financial information concerning  
6 the non-custodial parent's ability to provide child support  
7 that was obtained pursuant to subpoena and proper notice  
8 shall be admitted into evidence without the need to establish  
9 any further foundation for its admission.

10 (c) Any new or existing support order entered by the  
11 court under this Section shall be deemed to be a series of  
12 judgments against the person obligated to pay support  
13 thereunder, each judgment to be in the amount of each payment  
14 or installment of support and each such judgment to be deemed  
15 entered as of the date the corresponding payment or  
16 installment becomes due under the terms of the support order.  
17 Each judgment shall have the full force, effect and  
18 attributes of any other judgment of this State, including the  
19 ability to be enforced. A lien arises by operation of law  
20 against the real and personal property of the noncustodial  
21 parent for each installment of overdue support owed by the  
22 noncustodial parent.

23 (d) If the judgment or order of the court is at variance  
24 with the child's birth certificate, the court shall order  
25 that a new birth certificate be issued under the Vital  
26 Records Act.

27 (e) On request of the mother and the father, the court  
28 shall order a change in the child's name. After hearing  
29 evidence the court may stay payment of support during the  
30 period of the father's minority or period of disability.

31 (f) If, upon a showing of proper service, the father  
32 fails to appear in court, or otherwise appear as provided by  
33 law, the court may proceed to hear the cause upon testimony  
34 of the mother or other parties taken in open court and shall

1 enter a judgment by default. The court may reserve any order  
2 as to the amount of child support until the father has  
3 received notice, by regular mail, of a hearing on the matter.

4 (g) A one-time charge of 20% is imposable upon the  
5 amount of past-due child support owed on July 1, 1988 which  
6 has accrued under a support order entered by the court. The  
7 charge shall be imposed in accordance with the provisions of  
8 Section 10-21 of the Illinois Public Aid Code and shall be  
9 enforced by the court upon petition.

10 (h) All orders for support, when entered or modified,  
11 shall include a provision requiring the non-custodial parent  
12 to notify the court and, in cases in which party is receiving  
13 child support enforcement services under Article X of the  
14 Illinois Public Aid Code, the Illinois Department of Public  
15 Aid, within 7 days, (i) of the name and address of any new  
16 employer of the non-custodial parent, (ii) whether the  
17 non-custodial parent has access to health insurance coverage  
18 through the employer or other group coverage and, if so, the  
19 policy name and number and the names of persons covered under  
20 the policy, and (iii) of any new residential or mailing  
21 address or telephone number of the non-custodial parent. In  
22 any subsequent action to enforce a support order, upon a  
23 sufficient showing that a diligent effort has been made to  
24 ascertain the location of the non-custodial parent, service  
25 of process or provision of notice necessary in the case may  
26 be made at the last known address of the non-custodial parent  
27 in any manner expressly provided by the Code of Civil  
28 Procedure or this Act, which service shall be sufficient for  
29 purposes of due process.

30 (i) An order for support shall include a date on which  
31 the current support obligation terminates. The termination  
32 date shall be no earlier than the date on which the child  
33 covered by the order will attain the age of 18. However, if  
34 the child will not graduate from high school until after

1 attaining the age of 18, then the termination date shall be  
2 no earlier than the earlier of the date on which the child's  
3 high school graduation will occur or the date on which the  
4 child will attain the age of 19. The order for support shall  
5 state that the termination date does not apply to any  
6 arrearage that may remain unpaid on that date. Nothing in  
7 this subsection shall be construed to prevent the court from  
8 modifying the order or terminating the order in the event the  
9 child is otherwise emancipated.

10 (j) An order entered under this Section shall include a  
11 provision requiring the obligor to report to the obligee and  
12 to the clerk of court within 10 days each time the obligor  
13 obtains new employment, and each time the obligor's  
14 employment is terminated for any reason. The report shall be  
15 in writing and shall, in the case of new employment, include  
16 the name and address of the new employer. Failure to report  
17 new employment or the termination of current employment, if  
18 coupled with nonpayment of support for a period in excess of  
19 60 days, is indirect criminal contempt. For any obligor  
20 arrested for failure to report new employment bond shall be  
21 set in the amount of the child support that should have been  
22 paid during the period of unreported employment. An order  
23 entered under this Section shall also include a provision  
24 requiring the obligor and obligee parents to advise each  
25 other of a change in residence within 5 days of the change  
26 except when the court finds that the physical, mental, or  
27 emotional health of a party or that of a minor child, or  
28 both, would be seriously endangered by disclosure of the  
29 party's address.

30 (Source: P.A. 91-767, eff. 6-9-00; 92-590, eff. 7-1-02;  
31 92-876, eff. 6-1-03; revised 1-14-03.)

32 Section 57. The Adoption Act is amended by changing  
33 Section 1 as follows:

1 (750 ILCS 50/1) (from Ch. 40, par. 1501)

2 Sec. 1. Definitions. When used in this Act, unless the  
3 context otherwise requires:

4 A. "Child" means a person under legal age subject to  
5 adoption under this Act.

6 B. "Related child" means a child subject to adoption  
7 where either or both of the adopting parents stands in any of  
8 the following relationships to the child by blood or  
9 marriage: parent, grand-parent, brother, sister, step-parent,  
10 step-grandparent, step-brother, step-sister, uncle, aunt,  
11 great-uncle, great-aunt, or cousin of first degree. A child  
12 whose parent has executed a final irrevocable consent to  
13 adoption or a final irrevocable surrender for purposes of  
14 adoption, or whose parent has had his or her parental rights  
15 terminated, is not a related child to that person, unless the  
16 consent is determined to be void or is void pursuant to  
17 subsection O of Section 10.

18 C. "Agency" for the purpose of this Act means a public  
19 child welfare agency or a licensed child welfare agency.

20 D. "Unfit person" means any person whom the court shall  
21 find to be unfit to have a child, without regard to the  
22 likelihood that the child will be placed for adoption. The  
23 grounds of unfitness are any one or more of the following,  
24 except that a person shall not be considered an unfit person  
25 for the sole reason that the person has relinquished a child  
26 in accordance with the Abandoned Newborn Infant Protection  
27 Act:

28 (a) Abandonment of the child.

29 (a-1) Abandonment of a newborn infant in a  
30 hospital.

31 (a-2) Abandonment of a newborn infant in any  
32 setting where the evidence suggests that the parent  
33 intended to relinquish his or her parental rights.

34 (b) Failure to maintain a reasonable degree of



1 interest, concern or responsibility as to the child's  
2 welfare.

3 (c) Desertion of the child for more than 3 months  
4 next preceding the commencement of the Adoption  
5 proceeding.

6 (d) Substantial neglect of the child if continuous  
7 or repeated.

8 (d-1) Substantial neglect, if continuous or  
9 repeated, of any child residing in the household which  
10 resulted in the death of that child.

11 (e) Extreme or repeated cruelty to the child.

12 (f) Two or more findings of physical abuse to any  
13 children under Section 4-8 of the Juvenile Court Act or  
14 Section 2-21 of the Juvenile Court Act of 1987, the most  
15 recent of which was determined by the juvenile court  
16 hearing the matter to be supported by clear and  
17 convincing evidence; a criminal conviction or a finding  
18 of not guilty by reason of insanity resulting from the  
19 death of any child by physical child abuse; or a finding  
20 of physical child abuse resulting from the death of any  
21 child under Section 4-8 of the Juvenile Court Act or  
22 Section 2-21 of the Juvenile Court Act of 1987.

23 (g) Failure to protect the child from conditions  
24 within his environment injurious to the child's welfare.

25 (h) Other neglect of, or misconduct toward the  
26 child; provided that in making a finding of unfitness the  
27 court hearing the adoption proceeding shall not be bound  
28 by any previous finding, order or judgment affecting or  
29 determining the rights of the parents toward the child  
30 sought to be adopted in any other proceeding except such  
31 proceedings terminating parental rights as shall be had  
32 under either this Act, the Juvenile Court Act or the  
33 Juvenile Court Act of 1987.

34 (i) Depravity. Conviction of any one of the

1 following crimes shall create a presumption that a parent  
2 is depraved which can be overcome only by clear and  
3 convincing evidence: (1) first degree murder in violation  
4 of paragraph 1 or 2 of subsection (a) of Section 9-1 of  
5 the Criminal Code of 1961 or conviction of second degree  
6 murder in violation of subsection (a) of Section 9-2 of  
7 the Criminal Code of 1961 of a parent of the child to be  
8 adopted; (2) first degree murder or second degree murder  
9 of any child in violation of the Criminal Code of 1961;  
10 (3) attempt or conspiracy to commit first degree murder  
11 or second degree murder of any child in violation of the  
12 Criminal Code of 1961; (4) solicitation to commit murder  
13 of any child, solicitation to commit murder of any child  
14 for hire, or solicitation to commit second degree murder  
15 of any child in violation of the Criminal Code of 1961;  
16 or (5) aggravated criminal sexual assault in violation of  
17 Section 12-14(b)(1) of the Criminal Code of 1961.

18 There is a rebuttable presumption that a parent is  
19 depraved if the parent has been criminally convicted of  
20 at least 3 felonies under the laws of this State or any  
21 other state, or under federal law, or the criminal laws  
22 of any United States territory; and at least one of these  
23 convictions took place within 5 years of the filing of  
24 the petition or motion seeking termination of parental  
25 rights.

26 There is a rebuttable presumption that a parent is  
27 depraved if that parent has been criminally convicted of  
28 either first or second degree murder of any person as  
29 defined in the Criminal Code of 1961 within 10 years of  
30 the filing date of the petition or motion to terminate  
31 parental rights.

32 (j) Open and notorious adultery or fornication.

33 (j-1) (Blank).

34 (k) Habitual drunkenness or addiction to drugs,

1 other than those prescribed by a physician, for at least  
2 one year immediately prior to the commencement of the  
3 unfitness proceeding.

4 There is a rebuttable presumption that a parent is  
5 unfit under this subsection with respect to any child to  
6 which that parent gives birth where there is a confirmed  
7 test result that at birth the child's blood, urine, or  
8 meconium contained any amount of a controlled substance  
9 as defined in subsection (f) of Section 102 of the  
10 Illinois Controlled Substances Act or metabolites of such  
11 substances, the presence of which in the newborn infant  
12 was not the result of medical treatment administered to  
13 the mother or the newborn infant; and the biological  
14 mother of this child is the biological mother of at least  
15 one other child who was adjudicated a neglected minor  
16 under subsection (c) of Section 2-3 of the Juvenile Court  
17 Act of 1987.

18 (l) Failure to demonstrate a reasonable degree of  
19 interest, concern or responsibility as to the welfare of  
20 a new born child during the first 30 days after its  
21 birth.

22 (m) Failure by a parent (i) to make reasonable  
23 efforts to correct the conditions that were the basis for  
24 the removal of the child from the parent, or (ii) to make  
25 reasonable progress toward the return of the child to the  
26 parent within 9 months after an adjudication of neglected  
27 or abused minor under Section 2-3 of the Juvenile Court  
28 Act of 1987 or dependent minor under Section 2-4 of that  
29 Act, or (iii) to make reasonable progress toward the  
30 return of the child to the parent during any 9-month  
31 period after the end of the initial 9-month period  
32 following the adjudication of neglected or abused minor  
33 under Section 2-3 of the Juvenile Court Act of 1987 or  
34 dependent minor under Section 2-4 of that Act. If a

1 service plan has been established as required under  
2 Section 8.2 of the Abused and Neglected Child Reporting  
3 Act to correct the conditions that were the basis for the  
4 removal of the child from the parent and if those  
5 services were available, then, for purposes of this Act,  
6 "failure to make reasonable progress toward the return of  
7 the child to the parent" includes (I) the parent's  
8 failure to substantially fulfill his or her obligations  
9 under the service plan and correct the conditions that  
10 brought the child into care within 9 months after the  
11 adjudication under Section 2-3 or 2-4 of the Juvenile  
12 Court Act of 1987 and (II) the parent's failure to  
13 substantially fulfill his or her obligations under the  
14 service plan and correct the conditions that brought the  
15 child into care during any 9-month period after the end  
16 of the initial 9-month period following the adjudication  
17 under Section 2-3 or 2-4 of the Juvenile Court Act of  
18 1987.

19 (m-1) Pursuant to the Juvenile Court Act of 1987, a  
20 child has been in foster care for 15 months out of any 22  
21 month period which begins on or after the effective date  
22 of this amendatory Act of 1998 unless the child's parent  
23 can prove by a preponderance of the evidence that it is  
24 more likely than not that it will be in the best  
25 interests of the child to be returned to the parent  
26 within 6 months of the date on which a petition for  
27 termination of parental rights is filed under the  
28 Juvenile Court Act of 1987. The 15 month time limit is  
29 tolled during any period for which there is a court  
30 finding that the appointed custodian or guardian failed  
31 to make reasonable efforts to reunify the child with his  
32 or her family, provided that (i) the finding of no  
33 reasonable efforts is made within 60 days of the period  
34 when reasonable efforts were not made or (ii) the parent

1 filed a motion requesting a finding of no reasonable  
2 efforts within 60 days of the period when reasonable  
3 efforts were not made. For purposes of this subdivision  
4 (m-1), the date of entering foster care is the earlier  
5 of: (i) the date of a judicial finding at an adjudicatory  
6 hearing that the child is an abused, neglected, or  
7 dependent minor; or (ii) 60 days after the date on which  
8 the child is removed from his or her parent, guardian, or  
9 legal custodian.

10 (n) Evidence of intent to forgo his or her parental  
11 rights, whether or not the child is a ward of the court,  
12 (1) as manifested by his or her failure for a period of  
13 12 months: (i) to visit the child, (ii) to communicate  
14 with the child or agency, although able to do so and not  
15 prevented from doing so by an agency or by court order,  
16 or (iii) to maintain contact with or plan for the future  
17 of the child, although physically able to do so, or (2)  
18 as manifested by the father's failure, where he and the  
19 mother of the child were unmarried to each other at the  
20 time of the child's birth, (i) to commence legal  
21 proceedings to establish his paternity under the Illinois  
22 Parentage Act of 1984 or the law of the jurisdiction of  
23 the child's birth within 30 days of being informed,  
24 pursuant to Section 12a of this Act, that he is the  
25 father or the likely father of the child or, after being  
26 so informed where the child is not yet born, within 30  
27 days of the child's birth, or (ii) to make a good faith  
28 effort to pay a reasonable amount of the expenses related  
29 to the birth of the child and to provide a reasonable  
30 amount for the financial support of the child, the court  
31 to consider in its determination all relevant  
32 circumstances, including the financial condition of both  
33 parents; provided that the ground for termination  
34 provided in this subparagraph (n)(2)(ii) shall only be

1 available where the petition is brought by the mother or  
2 the husband of the mother.

3 Contact or communication by a parent with his or her  
4 child that does not demonstrate affection and concern  
5 does not constitute reasonable contact and planning under  
6 subdivision (n). In the absence of evidence to the  
7 contrary, the ability to visit, communicate, maintain  
8 contact, pay expenses and plan for the future shall be  
9 presumed. The subjective intent of the parent, whether  
10 expressed or otherwise, unsupported by evidence of the  
11 foregoing parental acts manifesting that intent, shall  
12 not preclude a determination that the parent has intended  
13 to forgo his or her parental rights. In making this  
14 determination, the court may consider but shall not  
15 require a showing of diligent efforts by an authorized  
16 agency to encourage the parent to perform the acts  
17 specified in subdivision (n).

18 It shall be an affirmative defense to any allegation  
19 under paragraph (2) of this subsection that the father's  
20 failure was due to circumstances beyond his control or to  
21 impediments created by the mother or any other person  
22 having legal custody. Proof of that fact need only be by  
23 a preponderance of the evidence.

24 (o) Repeated or continuous failure by the parents,  
25 although physically and financially able, to provide the  
26 child with adequate food, clothing, or shelter.

27 (p) Inability to discharge parental  
28 responsibilities supported by competent evidence from a  
29 psychiatrist, licensed clinical social worker, or  
30 clinical psychologist of mental impairment, mental  
31 illness or mental retardation as defined in Section 1-116  
32 of the Mental Health and Developmental Disabilities Code,  
33 or developmental disability as defined in Section 1-106  
34 of that Code, and there is sufficient justification to

1 believe that the inability to discharge parental  
2 responsibilities shall extend beyond a reasonable time  
3 period. However, this subdivision (p) shall not be  
4 construed so as to permit a licensed clinical social  
5 worker to conduct any medical diagnosis to determine  
6 mental illness or mental impairment.

7 (q) The parent has been criminally convicted of  
8 aggravated battery, heinous battery, or attempted murder  
9 of any child.

10 (r) The child is in the temporary custody or  
11 guardianship of the Department of Children and Family  
12 Services, the parent is incarcerated as a result of  
13 criminal conviction at the time the petition or motion  
14 for termination of parental rights is filed, prior to  
15 incarceration the parent had little or no contact with  
16 the child or provided little or no support for the child,  
17 and the parent's incarceration will prevent the parent  
18 from discharging his or her parental responsibilities for  
19 the child for a period in excess of 2 years after the  
20 filing of the petition or motion for termination of  
21 parental rights.

22 (s) The child is in the temporary custody or  
23 guardianship of the Department of Children and Family  
24 Services, the parent is incarcerated at the time the  
25 petition or motion for termination of parental rights is  
26 filed, the parent has been repeatedly incarcerated as a  
27 result of criminal convictions, and the parent's repeated  
28 incarceration has prevented the parent from discharging  
29 his or her parental responsibilities for the child.

30 (t) A finding that at birth the child's blood,  
31 urine, or meconium contained any amount of a controlled  
32 substance as defined in subsection (f) of Section 102 of  
33 the Illinois Controlled Substances Act, or a metabolite  
34 of a controlled substance, with the exception of

1 controlled substances or metabolites of such substances,  
2 the presence of which in the newborn infant was the  
3 result of medical treatment administered to the mother or  
4 the newborn infant, and that the biological mother of  
5 this child is the biological mother of at least one other  
6 child who was adjudicated a neglected minor under  
7 subsection (c) of Section 2-3 of the Juvenile Court Act  
8 of 1987, after which the biological mother had the  
9 opportunity to enroll in and participate in a clinically  
10 appropriate substance abuse counseling, treatment, and  
11 rehabilitation program.

12 E. "Parent" means the father or mother of a legitimate  
13 or illegitimate child. For the purpose of this Act, a person  
14 who has executed a final and irrevocable consent to adoption  
15 or a final and irrevocable surrender for purposes of  
16 adoption, or whose parental rights have been terminated by a  
17 court, is not a parent of the child who was the subject of  
18 the consent or surrender, unless the consent is void pursuant  
19 to subsection 0 of Section 10.

20 F. A person is available for adoption when the person  
21 is:

22 (a) a child who has been surrendered for adoption  
23 to an agency and to whose adoption the agency has  
24 thereafter consented;

25 (b) a child to whose adoption a person authorized  
26 by law, other than his parents, has consented, or to  
27 whose adoption no consent is required pursuant to Section  
28 8 of this Act;

29 (c) a child who is in the custody of persons who  
30 intend to adopt him through placement made by his  
31 parents;

32 (c-1) a child for whom a parent has signed a  
33 specific consent pursuant to subsection 0 of Section 10;

34 (d) an adult who meets the conditions set forth in



1 Section 3 of this Act; or

2 (e) a child who has been relinquished as defined in  
3 Section 10 of the Abandoned Newborn Infant Protection  
4 Act.

5 A person who would otherwise be available for adoption  
6 shall not be deemed unavailable for adoption solely by reason  
7 of his or her death.

8 G. The singular includes the plural and the plural  
9 includes the singular and the "male" includes the "female",  
10 as the context of this Act may require.

11 H. "Adoption disruption" occurs when an adoptive  
12 placement does not prove successful and it becomes necessary  
13 for the child to be removed from placement before the  
14 adoption is finalized.

15 I. "Foreign placing agency" is an agency or individual  
16 operating in a country or territory outside the United States  
17 that is authorized by its country to place children for  
18 adoption either directly with families in the United States  
19 or through United States based international agencies.

20 J. "Immediate relatives" means the biological parents,  
21 the parents of the biological parents and siblings of the  
22 biological parents.

23 K. "Intercountry adoption" is a process by which a child  
24 from a country other than the United States is adopted.

25 L. "Intercountry Adoption Coordinator" is a staff person  
26 of the Department of Children and Family Services appointed  
27 by the Director to coordinate the provision of services by  
28 the public and private sector to prospective parents of  
29 foreign-born children.

30 M. "Interstate Compact on the Placement of Children" is  
31 a law enacted by most states for the purpose of establishing  
32 uniform procedures for handling the interstate placement of  
33 children in foster homes, adoptive homes, or other child care  
34 facilities.

1 N. "Non-Compact state" means a state that has not  
2 enacted the Interstate Compact on the Placement of Children.

3 O. "Preadoption requirements" are any conditions  
4 established by the laws or regulations of the Federal  
5 Government or of each state that must be met prior to the  
6 placement of a child in an adoptive home.

7 P. "Abused child" means a child whose parent or  
8 immediate family member, or any person responsible for the  
9 child's welfare, or any individual residing in the same home  
10 as the child, or a paramour of the child's parent:

11 (a) inflicts, causes to be inflicted, or allows to  
12 be inflicted upon the child physical injury, by other  
13 than accidental means, that causes death, disfigurement,  
14 impairment of physical or emotional health, or loss or  
15 impairment of any bodily function;

16 (b) creates a substantial risk of physical injury  
17 to the child by other than accidental means which would  
18 be likely to cause death, disfigurement, impairment of  
19 physical or emotional health, or loss or impairment of  
20 any bodily function;

21 (c) commits or allows to be committed any sex  
22 offense against the child, as sex offenses are defined in  
23 the Criminal Code of 1961 and extending those definitions  
24 of sex offenses to include children under 18 years of  
25 age;

26 (d) commits or allows to be committed an act or  
27 acts of torture upon the child; or

28 (e) inflicts excessive corporal punishment.

29 Q. "Neglected child" means any child whose parent or  
30 other person responsible for the child's welfare withholds or  
31 denies nourishment or medically indicated treatment including  
32 food or care denied solely on the basis of the present or  
33 anticipated mental or physical impairment as determined by a  
34 physician acting alone or in consultation with other

1 physicians or otherwise does not provide the proper or  
2 necessary support, education as required by law, or medical  
3 or other remedial care recognized under State law as  
4 necessary for a child's well-being, or other care necessary  
5 for his or her well-being, including adequate food, clothing  
6 and shelter; or who is abandoned by his or her parents or  
7 other person responsible for the child's welfare.

8 A child shall not be considered neglected or abused for  
9 the sole reason that the child's parent or other person  
10 responsible for his or her welfare depends upon spiritual  
11 means through prayer alone for the treatment or cure of  
12 disease or remedial care as provided under Section 4 of the  
13 Abused and Neglected Child Reporting Act. A child shall not  
14 be considered neglected or abused for the sole reason that  
15 the child's parent or other person responsible for the  
16 child's welfare failed to vaccinate, delayed vaccination, or  
17 refused vaccination for the child due to a waiver on  
18 religious or medical grounds as permitted by law.

19 R. "Putative father" means a man who may be a child's  
20 father, but who (1) is not married to the child's mother on  
21 or before the date that the child was or is to be born and  
22 (2) has not established paternity of the child in a court  
23 proceeding before the filing of a petition for the adoption  
24 of the child. The term includes a male who is less than 18  
25 years of age. "Putative father" does not mean a man who is  
26 the child's father as a result of criminal sexual abuse or  
27 assault as defined under Article 12 of the Criminal Code of  
28 1961. ~~A child shall not be considered neglected or abused for  
29 the sole reason that--the--child's--parent--or--other--person  
30 responsible--for--the--child's--welfare--failed--to--vaccinate,  
31 delayed--vaccination,  
32 to--a--waiver--on--religious--or--medical--grounds--as--permitted--by  
33 law.~~

34 S. "Standby adoption" means an adoption in which a

1 terminally ill parent consents to custody and termination of  
2 parental rights to become effective upon the occurrence of a  
3 future event, which is either the death of the terminally ill  
4 parent or the request of the parent for the entry of a final  
5 judgment of adoption.

6 T. "Terminally ill parent" means a person who has a  
7 medical prognosis by a physician licensed to practice  
8 medicine in all of its branches that the person has an  
9 incurable and irreversible condition which will lead to  
10 death.

11 (Source: P.A. 91-357, eff. 7-29-99; 91-373, eff. 1-1-00;  
12 91-572, eff. 1-1-00; 92-16, eff. 6-28-01; 92-375, eff.  
13 1-1-02; 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 92-651,  
14 7-11-02; revised 8-23-02.)

15 Section 58. The Illinois Domestic Violence Act of 1986  
16 is amended by changing Sections 219, 224, and 302 as follows:

17 (750 ILCS 60/219) (from Ch. 40, par. 2312-19)

18 Sec. 219. Plenary order of protection. A plenary order  
19 of protection shall issue if petitioner has served notice of  
20 the hearing for that order on respondent, in accordance with  
21 Section 211, and satisfies the requirements of this Section  
22 for one or more of the requested remedies. For each remedy  
23 requested, petitioner must establish that:

- 24 (1) the court has jurisdiction under Section 208;  
25 (2) the requirements of Section 214 are satisfied; and  
26 (3) a general appearance was made or filed by or for  
27 respondent or process was served on respondent in the manner  
28 required by Section 210; and  
29 (4) respondent has answered or is in default.

30 (Source: P.A. 84-1305; revised 2-25-02.)

31 (750 ILCS 60/224) (from Ch. 40, par. 2312-24)

1 Sec. 224. Modification and re-opening of orders.

2 (a) Except as otherwise provided in this Section, upon  
3 motion by petitioner, the court may modify an emergency,  
4 interim, or plenary order of protection:

5 (1) If respondent has abused petitioner since the  
6 hearing for that order, by adding or altering one or more  
7 remedies, as authorized by Section 214; and

8 (2) Otherwise, by adding any remedy authorized by  
9 Section 214 which was:

10 (i) reserved in that order of protection;

11 (ii) not requested for inclusion in that order  
12 of protection; or

13 (iii) denied on procedural grounds, but not on  
14 the merits.

15 (b) Upon motion by petitioner or respondent, the court  
16 may modify any prior order of protection's remedy for  
17 custody, visitation or payment of support in accordance with  
18 the relevant provisions of the Illinois Marriage and  
19 Dissolution of Marriage Act. Each order of protection shall  
20 be entered in the Law Enforcement Agencies Automated Data  
21 System on the same day it is issued by the court.

22 (c) After 30 days following entry of a plenary order of  
23 protection, a court may modify that order only when changes  
24 in the applicable law or facts since that plenary order was  
25 entered warrant a modification of its terms.

26 (d) Upon 2 days' notice to petitioner, in accordance  
27 with Section 211 of this Act, or such shorter notice as the  
28 court may prescribe, a respondent subject to an emergency or  
29 interim order of protection issued under this Act may appear  
30 and petition the court to re-hear the original or amended  
31 petition. Any petition to re-hear shall be verified and  
32 shall allege the following:

33 (1) that respondent did not receive prior notice of  
34 the initial hearing in which the emergency, interim, or

1 plenary order was entered under Sections 211 and 217; and

2 (2) that respondent had a meritorious defense to  
3 the order or any of its remedies or that the order or any  
4 of its remedies was not authorized by this Act.

5 (e) In the event that the emergency or interim order  
6 granted petitioner exclusive possession and the petition of  
7 respondent seeks to re-open or vacate that grant, the court  
8 shall set a date for hearing within 14 days on all issues  
9 relating to exclusive possession. Under no circumstances  
10 shall a court continue a hearing concerning exclusive  
11 possession beyond the 14th day, except by agreement of the  
12 parties. Other issues raised by the pleadings may be  
13 consolidated for the hearing if neither party nor the court  
14 objects.

15 (f) This Section does not limit the means, otherwise  
16 available by law, for vacating or modifying orders of  
17 protection.

18 (Source: P.A. 87-1186; revised 2-17-03.)

19 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

20 Sec. 302. Data maintenance by law enforcement agencies.

21 (a) All sheriffs shall furnish to the Department of  
22 State Police, on the same day as received, in the form and  
23 detail the Department requires, copies of any recorded  
24 emergency, interim, or plenary orders of protection issued  
25 by the court, and any foreign orders of protection filed by  
26 the clerk of the court, and transmitted to the sheriff by the  
27 clerk of the court pursuant to subsection (b) of Section 222  
28 of this Act. Each order of protection shall be entered in  
29 the Law Enforcement Agencies Automated Data System on the  
30 same day it is issued by the court. If an emergency order of  
31 protection was issued in accordance with subsection (c) of  
32 Section 217, the order shall be entered in the Law  
33 Enforcement Agencies Automated Data System as soon as

1 possible after receipt from the clerk.

2 (b) The Department of State Police shall maintain a  
3 complete and systematic record and index of all valid and  
4 recorded orders of protection issued pursuant to this Act.  
5 The data shall be used to inform all dispatchers and law  
6 enforcement officers at the scene of an alleged incident of  
7 abuse, neglect, or exploitation or violation of an order of  
8 protection of any recorded prior incident of abuse, neglect,  
9 or exploitation involving the abused, neglected, or exploited  
10 party and the effective dates and terms of any recorded order  
11 of protection.

12 (c) The data, records and transmittals required under  
13 this Section shall pertain to any valid emergency, interim or  
14 plenary order of protection, whether issued in a civil or  
15 criminal proceeding or authorized under the laws of another  
16 state, tribe, or United States territory.

17 (Source: P.A. 90-392, eff. 1-1-98; 91-903, eff. 1-1-01;  
18 revised 2-17-03.)

19 Section 59. The Probate Act of 1975 is amended by  
20 changing Section 11a-18 as follows:

21 (755 ILCS 5/11a-18) (from Ch. 110 1/2, par. 11a-18)

22 Sec. 11a-18. Duties of the estate guardian.

23 (a) To the extent specified in the order establishing  
24 the guardianship, the guardian of the estate shall have the  
25 care, management and investment of the estate, shall manage  
26 the estate frugally and shall apply the income and principal  
27 of the estate so far as necessary for the comfort and  
28 suitable support and education of the ward, his minor and  
29 adult dependent children, and persons related by blood or  
30 marriage who are dependent upon or entitled to support from  
31 him, or for any other purpose which the court deems to be for  
32 the best interests of the ward, and the court may approve the

1 making on behalf of the ward of such agreements as the court  
2 determines to be for the ward's best interests. The guardian  
3 may make disbursement of his ward's funds and estate directly  
4 to the ward or other distributee or in such other manner and  
5 in such amounts as the court directs. If the estate of a  
6 ward is derived in whole or in part from payments of  
7 compensation, adjusted compensation, pension, insurance or  
8 other similar benefits made directly to the estate by the  
9 Veterans Administration, notice of the application for leave  
10 to invest or expend the ward's funds or estate, together with  
11 a copy of the petition and proposed order, shall be given to  
12 the Veterans' Administration Regional Office in this State at  
13 least 7 days before the hearing on the application.

14 (a-5) The probate court, upon petition of a guardian,  
15 other than the guardian of a minor, and after notice to all  
16 other persons interested as the court directs, may authorize  
17 the guardian to exercise any or all powers over the estate  
18 and business affairs of the ward that the ward could exercise  
19 if present and not under disability. The court may authorize  
20 the taking of an action or the application of funds not  
21 required for the ward's current and future maintenance and  
22 support in any manner approved by the court as being in  
23 keeping with the ward's wishes so far as they can be  
24 ascertained. The court must consider the permanence of the  
25 ward's disabling condition and the natural objects of the  
26 ward's bounty. In ascertaining and carrying out the ward's  
27 wishes the court may consider, but shall not be limited to,  
28 minimization of State or federal income, estate, or  
29 inheritance taxes; and providing gifts to charities,  
30 relatives, and friends that would be likely recipients of  
31 donations from the ward. The ward's wishes as best they can  
32 be ascertained shall be carried out, whether or not tax  
33 savings are involved. Actions or applications of funds may  
34 include, but shall not be limited to, the following:



1 (1) making gifts of income or principal, or both,  
2 of the estate, either outright or in trust;

3 (2) conveying, releasing, or disclaiming his or her  
4 contingent and expectant interests in property, including  
5 marital property rights and any right of survivorship  
6 incident to joint tenancy or tenancy by the entirety;

7 (3) releasing or disclaiming his or her powers as  
8 trustee, personal representative, custodian for minors,  
9 or guardian;

10 (4) exercising, releasing, or disclaiming his or  
11 her powers as donee of a power of appointment;

12 (5) entering into contracts;

13 (6) creating for the benefit of the ward or others,  
14 revocable or irrevocable trusts of his or her property  
15 that may extend beyond his or her disability or life;

16 (7) exercising options of the ward to purchase or  
17 exchange securities or other property;

18 (8) exercising the rights of the ward to elect  
19 benefit or payment options, to terminate, to change  
20 beneficiaries or ownership, to assign rights, to borrow,  
21 or to receive cash value in return for a surrender of  
22 rights under any one or more of the following:

23 (i) life insurance policies, plans, or  
24 benefits;

25 (ii) annuity policies, plans, or benefits;

26 (iii) mutual fund and other dividend  
27 investment plans;

28 (iv) retirement, profit sharing, and employee  
29 welfare plans and benefits;

30 (9) exercising his or her right to claim or  
31 disclaim an elective share in the estate of his or her  
32 deceased spouse and to renounce any interest by testate  
33 or intestate succession or by inter vivos transfer;

34 (10) changing the ward's residence or domicile; or

1 (11) modifying by means of codicil or trust  
2 amendment the terms of the ward's will or any revocable  
3 trust created by the ward, as the court may consider  
4 advisable in light of changes in applicable tax laws.

5 The guardian in his or her petition shall briefly outline  
6 the action or application of funds for which he or she seeks  
7 approval, the results expected to be accomplished thereby,  
8 and the tax savings, if any, expected to accrue. The  
9 proposed action or application of funds may include gifts of  
10 the ward's personal property or real estate, but transfers of  
11 real estate shall be subject to the requirements of Section  
12 20 of this Act. Gifts may be for the benefit of prospective  
13 legatees, devisees, or heirs apparent of the ward or may be  
14 made to individuals or charities in which the ward is  
15 believed to have an interest. The guardian shall also  
16 indicate in the petition that any planned disposition is  
17 consistent with the intentions of the ward insofar as they  
18 can be ascertained, and if the ward's intentions cannot be  
19 ascertained, the ward will be presumed to favor reduction in  
20 the incidents of various forms of taxation and the partial  
21 distribution of his or her estate as provided in this  
22 subsection. The guardian shall not, however, be required to  
23 include as a beneficiary or fiduciary any person who he has  
24 reason to believe would be excluded by the ward. A guardian  
25 shall be required to investigate and pursue a ward's  
26 eligibility for governmental benefits.

27 (b) Upon the direction of the court which issued his  
28 letters, a guardian may perform the contracts of his ward  
29 which were legally subsisting at the time of the commencement  
30 of the ward's disability. The court may authorize the  
31 guardian to execute and deliver any bill of sale, deed or  
32 other instrument.

33 (c) The guardian of the estate of a ward shall appear  
34 for and represent the ward in all legal proceedings unless

1 another person is appointed for that purpose as guardian or  
2 next friend. This does not impair the power of any court to  
3 appoint a guardian ad litem or next friend to defend the  
4 interests of the ward in that court, or to appoint or allow  
5 any person as the next friend of a ward to commence,  
6 prosecute or defend any proceeding in his behalf. Without  
7 impairing the power of the court in any respect, if the  
8 guardian of the estate of a ward and another person as next  
9 friend shall appear for and represent the ward in a legal  
10 proceeding in which the compensation of the attorney or  
11 attorneys representing the guardian and next friend is solely  
12 determined under a contingent fee arrangement, the guardian  
13 of the estate of the ward shall not participate in or have  
14 any duty to review the prosecution of the action, to  
15 participate in or review the appropriateness of any  
16 settlement of the action, or to participate in or review any  
17 determination of the appropriateness of any fees awarded to  
18 the attorney or attorneys employed in the prosecution of the  
19 action.

20 (d) Adjudication of disability shall not revoke or  
21 otherwise terminate a trust which is revocable by the ward.  
22 A guardian of the estate shall have no authority to revoke a  
23 trust that is revocable by the ward, except that the court  
24 may authorize a guardian to revoke a Totten trust or similar  
25 deposit or withdrawable capital account in trust to the  
26 extent necessary to provide funds for the purposes specified  
27 in paragraph (a) of this Section. If the trustee of any  
28 trust for the benefit of the ward has discretionary power to  
29 apply income or principal for the ward's benefit, the trustee  
30 shall not be required to distribute any of the income or  
31 principal to the guardian of the ward's estate, but the  
32 guardian may bring an action on behalf of the ward to compel  
33 the trustee to exercise the trustee's discretion or to seek  
34 relief from an abuse of discretion. This paragraph shall not

1 limit the right of a guardian of the estate to receive  
2 accountings from the trustee on behalf of the ward.

3 (e) Absent court order pursuant to the "Illinois Power  
4 of Attorney Act"--enacted--by--the--85th--General--Assembly  
5 directing a guardian to exercise powers of the principal  
6 under an agency that survives disability, the guardian will  
7 have no power, duty or liability with respect to any property  
8 subject to the agency. This subsection (e) applies to all  
9 agencies, whenever and wherever executed.

10 (f) Upon petition by any interested person (including  
11 the standby or short-term guardian), with such notice to  
12 interested persons as the court directs and a finding by the  
13 court that it is in the best interest of the disabled person,  
14 the court may terminate or limit the authority of a standby  
15 or short-term guardian or may enter such other orders as the  
16 court deems necessary to provide for the best interest of the  
17 disabled person. The petition for termination or limitation  
18 of the authority of a standby or short-term guardian may, but  
19 need not, be combined with a petition to have another  
20 guardian appointed for the disabled person.

21 (Source: P.A. 89-672, eff. 8-14-96; 90-345, eff. 8-8-97;  
22 90-796, eff. 12-15-98; revised 1-20-03.)

23 Section 60. The Uniform Commercial Code is amended by  
24 changing Section 8-106 as follows:

25 (810 ILCS 5/8-106) (from Ch. 26, par. 8-106)

26 Sec. 8-106. Control.

27 (a) A purchaser has "control" of a certificated security  
28 in bearer form if the certificated security is delivered to  
29 the purchaser.

30 (b) A purchaser has "control" of a certificated security  
31 in registered form if the certificated security is delivered  
32 to the purchaser, and:

1 (1) the certificate is indorsed to the purchaser or  
2 in blank by an effective indorsement; or

3 (2) the certificate is registered in the name of  
4 the purchaser, upon original issue or registration of  
5 transfer by the issuer.

6 (c) A purchaser has "control" of an uncertificated  
7 security if:

8 (1) the uncertificated security is delivered to the  
9 purchaser; or

10 (2) the issuer has agreed that it will comply with  
11 instructions originated by the purchaser without further  
12 consent by the registered owner; ~~or~~

13 ~~(3) another person has control of the security~~  
14 ~~entitlement on behalf of the purchaser or, having~~  
15 ~~previously acquired control of the security entitlement,~~  
16 ~~acknowledges that it has control on behalf of the~~  
17 ~~purchaser.~~

18 (d) A purchaser has "control" of a security entitlement  
19 if:

20 (1) the purchaser becomes the entitlement holder;  
21 ~~or~~

22 (2) the securities intermediary has agreed that it  
23 will comply with entitlement orders originated by the  
24 purchaser without further consent by the entitlement  
25 holder; or

26 (3) another person has control of the security  
27 entitlement on behalf of the purchaser or, having  
28 previously acquired control of the security entitlement,  
29 acknowledges that it has control on behalf of the  
30 purchaser.

31 (e) If an interest in a security entitlement is granted  
32 by the entitlement holder to the entitlement holder's own  
33 securities intermediary, the securities intermediary has  
34 control.

1 (f) A purchaser who has satisfied the requirements of  
2 subsection (c) or (d) has control even if the registered  
3 owner in the case of subsection (c) or the entitlement holder  
4 in the case of subsection (d) retains the right to make  
5 substitutions for the uncertificated security or security  
6 entitlement, to originate instructions or entitlement orders  
7 to the issuer or securities intermediary, or otherwise to  
8 deal with the uncertificated security or security  
9 entitlement.

10 (g) An issuer or a securities intermediary may not enter  
11 into an agreement of the kind described in subsection (c)(2)  
12 or (d)(2) without the consent of the registered owner or  
13 entitlement holder, but an issuer or a securities  
14 intermediary is not required to enter into such an agreement  
15 even though the registered owner or entitlement holder so  
16 directs. An issuer or securities intermediary that has  
17 entered into such an agreement is not required to confirm the  
18 existence of the agreement to another party unless requested  
19 to do so by the registered owner or entitlement holder.

20 (Source: P.A. 91-893, eff. 7-1-01; revised 2-27-02.)

21 Section 997. No acceleration or delay. Where this Act  
22 makes changes in a statute that is represented in this Act by  
23 text that is not yet or no longer in effect (for example, a  
24 Section represented by multiple versions), the use of that  
25 text does not accelerate or delay the taking effect of (i)  
26 the changes made by this Act or (ii) provisions derived from  
27 any other Public Act.

28 Section 998. No revival or extension. This Act does not  
29 revive or extend any Section or Act otherwise repealed.

30 Section 999. Effective date. This Act takes effect upon  
31 becoming law.

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22	625 ILCS 5/3-621	from Ch. 95 1/2, par. 3-621
23	625 ILCS 5/3-622	from Ch. 95 1/2, par. 3-622
24	625 ILCS 5/3-625	from Ch. 95 1/2, par. 3-625
25	625 ILCS 5/3-648	
26	625 ILCS 5/3-653	
27	625 ILCS 5/3-654	
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2	625 ILCS 5/3-803	from Ch. 95 1/2, par. 3-803
3	625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
4	625 ILCS 5/6-500	from Ch. 95 1/2, par. 6-500
5	625 ILCS 5/11-605	from Ch. 95 1/2, par. 11-605
6	625 ILCS 5/11-1201	from Ch. 95 1/2, par. 11-1201
7	625 ILCS 5/12-215	from Ch. 95 1/2, par. 12-215
8	625 ILCS 5/18b-105	from Ch. 95 1/2, par. 18b-105
9	720 ILCS 5/2-0.5	was 720 ILCS 5/2-.5
10	720 ILCS 5/3-6	from Ch. 38, par. 3-6
11	720 ILCS 5/12-2	from Ch. 38, par. 12-2
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13	720 ILCS 5/17-1	from Ch. 38, par. 17-1
14	725 ILCS 5/108B-1	from Ch. 38, par. 108B-1
15	725 ILCS 5/108B-5	from Ch. 38, par. 108B-5
16	725 ILCS 5/108B-11	from Ch. 38, par. 108B-11
17	725 ILCS 5/112A-28	from Ch. 38, par. 112A-28
18	730 ILCS 5/5-4-1	from Ch. 38, par. 1005-4-1
19	730 ILCS 5/5-4-3	from Ch. 38, par. 1005-4-3
20	730 ILCS 5/5-5-3	from Ch. 38, par. 1005-5-3
21	730 ILCS 5/5-8-1.3	
22	730 ILCS 105/25	from Ch. 38, par. 1675
23	735 ILCS 5/2-1401	from Ch. 110, par. 2-1401
24	750 ILCS 5/510	from Ch. 40, par. 510
25	750 ILCS 16/20	
26	750 ILCS 45/14	from Ch. 40, par. 2514
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28	750 ILCS 60/219	from Ch. 40, par. 2312-19
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30	750 ILCS 60/302	from Ch. 40, par. 2313-2
31	755 ILCS 5/11a-18	from Ch. 110 1/2, par. 11a-18
32	810 ILCS 5/8-106	from Ch. 26, par. 8-106