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Exhibit 1

M.R. 3140

IN THE  
SUPREME COURT  
OF  
THE STATE OF ILLINOIS

Order entered July 27, 2006.

(Deleted material is struck through and new material is underscored.)

Effective September 1, 2006, Supreme Court Rule 18 is adopted and Supreme Court Rules 19, 302, 303, 606, and 612 are amended as follows:

**New Rule 18**

**Rule 18. Findings of Unconstitutionality**

A court shall not find unconstitutional a statute, ordinance, regulation or other law, unless:

(a) the court makes the finding in a written order or opinion, or in an oral statement on the record that is transcribed;

(b) such order or opinion clearly identifies what portion(s) of the statute, ordinance, regulation or other law is being held unconstitutional;

(c) such order or opinion clearly sets forth the specific ground(s) for the finding of unconstitutionality, including:

(1) the constitutional provision(s) upon which the finding of unconstitutionality is based;

(2) whether the statute, ordinance, regulation or other law is being found unconstitutional on its face, as applied to the case *sub judice*, or both;

(3) that the statute, ordinance, regulation or other law being held

unconstitutional cannot reasonably be construed in a manner that would preserve its validity;

(4) that the finding of unconstitutionality is necessary to the decision or judgment rendered, and that such decision or judgment cannot rest upon an alternative ground; and

(5) that the notice required by Rule 19 has been served, and that those served with such notice have been given adequate time and opportunity under the circumstances to defend the statute, ordinance, regulation or other law challenged.

Adopted July 27, 2006, effective September 1, 2006.

#### Committee Comment

(July 27, 2006)

This rule is intended to implement the principles encapsulated in *People v. Cornelius*, 213 Ill. 2d 178 (2004), and *In re Parentage of John M.*, 212 Ill. 2d 253 (2004), concerning the duties incumbent upon the circuit court when declaring state statutes to be unconstitutional.

#### **Amended Rule 19**

##### **Rule 19. Notice of Claim of Unconstitutionality or Preemption by Federal Law**

**(a) Notice Required.** In any cause or proceeding in which the constitutionality or preemption by federal law of a statute, ordinance, or administrative regulation, or other law affecting the public interest is raised, and to which action or proceeding the State or the political subdivision, agency, or officer affected is not already a party, the litigant raising the constitutional or preemption issue shall serve an appropriate notice thereof on the Attorney General, State's Attorney, municipal counsel or agency attorney, as the case may be.

**(b) Contents and Time for Filing Notice.** The notice shall identify the particular statute, ordinance, ~~or regulation, or other law,~~ and shall briefly describe the nature of the constitutional or preemption challenge. The notice shall be served at the time of suit, answer or counterclaim, if ~~constitutionality the challenge~~ is raised at that level, or promptly after the constitutional or preemption question arises as a result of a circuit or reviewing court ruling or judgment.

**(c) Purpose of Notice.** The purpose of such notice shall be to afford the State, political subdivision, agency or officer, as the case may be, the opportunity, but not the obligation, to intervene in the cause or proceeding for the purpose of defending ~~the constitutionality~~ of the law or regulation challenged. The election to intervene shall be subject to applicable provisions of law governing intervention or impleading of interested parties.

Adopted February 21, 1986, effective August 1, 1986; amended July 27, 2006, effective September 1, 2006.

#### **Amended Rule 302**

##### **Rule 302. Direct Appeals to the Supreme Court**

**(a) Cases Directly Appealable.** Appeals from final judgments of circuit courts shall be taken directly to the Supreme Court (1) in cases in which a statute of the United States or of this State has been held invalid, and (2) in proceedings commenced under Rule 21(c) of this court. For purposes of this rule, invalidity does not include a determination that a statute of this state is preempted by federal law.

**(b) Cases in Which the Public Interest Requires Expeditious Determination.** After the filing of the notice of appeal to the Appellate Court in a case in which the public interest requires prompt adjudication by the Supreme Court, the Supreme Court or a justice thereof may order that the appeal be taken directly to it. Upon the entry of such an order any documents already filed in the Appellate Court shall be transmitted by the clerk of that court to the clerk of the Supreme Court. From that point the case shall proceed in all respects as though the appeal had been taken directly to the Supreme Court.

**(c) Summary Disposition.**

(1) The Supreme Court, after the briefs have been filed, may dispose of any case without oral argument or opinion if no substantial question is presented or if jurisdiction is lacking.

(2) The Supreme Court, on its own motion or upon the motion of a party, before or after any brief has been filed or oral argument held, may summarily vacate and remand a judgment of the circuit court for noncompliance with Rule 18. Such vacatur shall not constitute a determination on the merits of the constitutional question presented.

Amended effective July 1, 1971. (An amendment of June 29, 1978, was to have abolished direct appeals in proceedings to review orders of the Industrial Commission. The amendment was to have been effective January 1, 1979. On December 1, 1978, the effective date of the amendment was postponed until July 1, 1979. On June 1, 1979, the amendment was rescinded.) Amended August 9, 1983, effective October 1, 1983; amended February 1, 1984, effective February 1, 1984, with Justice Moran dissenting (see *Yellow Cab Co. v. Jones* (1985), 108 Ill. 2d 330, 342); amended July 27, 2006, effective September 1, 2006.

Committee Comment

(July 27, 2006)

The amendment to Rule 302(c) recognizes that the Supreme Court may summarily vacate and remand any circuit court judgment that fails to comply with Rule 18.

**Amended Rule 303**

**Rule 303. Appeals from Final Judgments of the Circuit Court in Civil Cases**

**(a) Time; Filing; Transmission of Copy.**

(1) Except as provided in paragraph (b) below, the notice of appeal