

**STATE OF ILLINOIS**



# **HOUSE JOURNAL**

**HOUSE OF REPRESENTATIVES**

**NINETY-THIRD GENERAL ASSEMBLY**

**110TH LEGISLATIVE DAY**

**FRIDAY, MARCH 26, 2004**

**10:00 O'CLOCK A.M.**

**HOUSE OF REPRESENTATIVES  
Daily Journal Index  
110th Legislative Day**

<b>Action</b>	<b>Page(s)</b>
Adjournment .....	73
Agreed Resolutions .....	18
Balanced Budget Note Supplied.....	9
Change of Sponsorship.....	18
Committee on Rules Referral.....	8, 9
Correctional Note Supplied.....	9
Fiscal Note Requested.....	9
Fiscal Note Supplied.....	9
Housing Affordability Impact Note Supplied .....	9
Judicial Note Supplied.....	9
Messages from the Senate .....	9
Motions Submitted .....	9
Quorum Roll Call.....	8
Reports from Standing Committees .....	17
Reports from the Committee on Rules .....	8
Senate Bills on First Reading .....	18
State Mandates Fiscal Note Requested.....	9
Temporary Committee Assignments.....	8

<b>Bill Number</b>	<b>Legislative Action</b>	<b>Page(s)</b>
HB 3821	Third Reading .....	20
HB 3890	Committee Report – Floor Amendment/s .....	8
HB 3890	Second Reading – amendment .....	66
HB 3893	Second Reading.....	72
HB 3963	Third Reading .....	20
HB 3980	Committee Report – Floor Amendment/s .....	8
HB 3980	Second Reading – amendment .....	30
HB 3981	Committee Report – Floor Amendment/s .....	8
HB 3994	Action on Motion.....	21
HB 4003	Committee Report – Floor Amendment/s .....	17
HB 4012	Committee Report – Floor Amendment/s .....	8
HB 4012	Second Reading – Amendment/s .....	33
HB 4059	Committee Report – Floor Amendment/s .....	8
HB 4132	Third Reading .....	21
HB 4154	Committee Report – Floor Amendment/s .....	8
HB 4154	Second Reading – amendment .....	35
HB 4180	Second Reading – amendment .....	61
HB 4224	Second Reading.....	61
HB 4241	Committee Report – Floor Amendment/s .....	8
HB 4241	Second Reading – amendment .....	35
HB 4280	Third Reading .....	21
HB 4318	Third Reading .....	22
HB 4346	Third Reading .....	21
HB 4351	Third Reading .....	23
HB 4374	Recall .....	24
HB 4400	Third Reading .....	20
HB 4410	Third Reading .....	20
HB 4439	Committee Report – Floor Amendment/s .....	18
HB 4450	Committee Report – Floor Amendment/s .....	17
HB 4450	Second Reading – Amendment/s .....	70

HB 4476	Third Reading .....	23
HB 4502	Third Reading .....	22
HB 4505	Second Reading – Amendment/s .....	35
HB 4566	Committee Report – Floor Amendment/s .....	8
HB 4566	Second Reading – amendment .....	55
HB 4566	Second Reading – Amendment/s .....	24
HB 4572	Action on Motion .....	73
HB 4575	Second Reading – Amendment/s .....	36
HB 4688	Third Reading .....	20
HB 4703	Recall .....	23
HB 4712	Committee Report – Floor Amendment/s .....	8
HB 4712	Second Reading – amendment .....	34
HB 4716	Third Reading .....	22
HB 4720	Third Reading .....	21
HB 4735	Committee Report – Floor Amendment/s .....	8
HB 4735	Second Reading – amendment .....	54
HB 4763	Action on Motion .....	73
HB 4810	Action on Motion .....	73
HB 4817	Action on Motion .....	72
HB 4825	Committee Report – Floor Amendment/s .....	8
HB 4825	Second Reading – Amendment/s .....	62
HB 4851	Committee Report – Floor Amendment/s .....	8
HB 4851	Second Reading – amendment .....	66
HB 4894	Third Reading .....	23
HB 4914	Third Reading .....	22
HB 4944	Third Reading .....	72
HB 4953	Recall .....	23
HB 4962	Committee Report – Floor Amendment/s .....	8
HB 4962	Second Reading – amendment .....	29
HB 5000	Committee Report – Floor Amendment/s .....	17
HB 5000	Second Reading – Amendment/s .....	49
HB 5011	Second Reading – Amendment/s .....	35
HB 5014	Third Reading .....	23
HB 5057	Third Reading .....	72
HB 5067	Third Reading .....	36
HB 5095	Second Reading – Amendment/s .....	61
HB 5129	Third Reading .....	23
HB 5165	Third Reading .....	22
HB 5180	Committee Report – Floor Amendment/s .....	8
HB 5180	Second Reading – Amendment/s .....	52
HB 5889	Committee Report – Floor Amendment/s .....	8
HB 5891	Second Reading – Amendment/s .....	69
HB 5925	Second Reading .....	73
HB 6739	Motion Submitted .....	9
HB 6739	Third Reading .....	20
HB 6906	Third Reading .....	22
HB 6951	Committee Report – Floor Amendment/s .....	8
HR 0753	Adoption .....	21
HR 0764	Resolution .....	18
HR 0765	Resolution .....	19
SB 0985	Senate Message – Passage of Senate Bill .....	13
SB 1006	First Reading .....	18
SB 1006	Senate Message – Passage of Senate Bill .....	13
SB 1550	Senate Message – Passage of Senate Bill .....	13
SB 1576	First Reading .....	18
SB 1576	Senate Message – Passage of Senate Bill .....	13

SB 1645	Committee Report – Floor Amendment/s	17
SB 2091	Senate Message – Passage of Senate Bill	11
SB 2123	First Reading	18
SB 2140	Senate Message – Passage of Senate Bill	13
SB 2145	First Reading	18
SB 2145	Senate Message – Passage of Senate Bill	13
SB 2148	First Reading	18
SB 2166	First Reading	18
SB 2196	Senate Message – Passage of Senate Bill	13
SB 2236	First Reading	18
SB 2250	First Reading	18
SB 2251	First Reading	18
SB 2252	First Reading	18
SB 2253	First Reading	18
SB 2254	First Reading	18
SB 2270	First Reading	18
SB 2271	Senate Message – Passage of Senate Bill	16
SB 2272	First Reading	18
SB 2273	First Reading	18
SB 2290	First Reading	18
SB 2293	Senate Message – Passage of Senate Bill	13
SB 2299	First Reading	18
SB 2327	First Reading	18
SB 2335	First Reading	18
SB 2335	Senate Message – Passage of Senate Bill	13
SB 2339	Senate Message – Passage of Senate Bill	13
SB 2360	First Reading	18
SB 2367	First Reading	18
SB 2370	First Reading	18
SB 2375	First Reading	18
SB 2375	Senate Message – Passage of Senate Bill	13
SB 2381	Senate Message – Passage of Senate Bill	13
SB 2386	Senate Message – Passage of Senate Bill	13
SB 2395	First Reading	18
SB 2401	Senate Message – Passage of Senate Bill	13
SB 2404	Senate Message – Passage of Senate Bill	13
SB 2407	First Reading	18
SB 2424	First Reading	18
SB 2424	Senate Message – Passage of Senate Bill	11
SB 2456	First Reading	18
SB 2457	First Reading	18
SB 2460	First Reading	18
SB 2466	First Reading	18
SB 2471	First Reading	18
SB 2480	First Reading	18
SB 2491	First Reading	18
SB 2491	Senate Message – Passage of Senate Bill	13
SB 2495	First Reading	18
SB 2499	Senate Message – Passage of Senate Bill	16
SB 2502	First Reading	18
SB 2503	Senate Message – Passage of Senate Bill	13
SB 2517	Senate Message – Passage of Senate Bill	13
SB 2525	Senate Message – Passage of Senate Bill	13
SB 2526	Senate Message – Passage of Senate Bill	11
SB 2530	First Reading	18
SB 2530	Senate Message – Passage of Senate Bill	11
SB 2536	Senate Message – Passage of Senate Bill	11

SB 2542	Senate Message – Passage of Senate Bill .....	11
SB 2545	First Reading.....	18
SB 2545	Senate Message – Passage of Senate Bill .....	11
SB 2546	First Reading.....	18
SB 2546	Senate Message – Passage of Senate Bill .....	11
SB 2547	First Reading.....	18
SB 2547	Senate Message – Passage of Senate Bill .....	11
SB 2548	Senate Message – Passage of Senate Bill .....	11
SB 2551	First Reading.....	18
SB 2551	Senate Message – Passage of Senate Bill .....	11
SB 2559	First Reading.....	18
SB 2559	Senate Message – Passage of Senate Bill .....	11
SB 2572	Senate Message – Passage of Senate Bill .....	11
SB 2578	Senate Message – Passage of Senate Bill .....	13
SB 2583	First Reading.....	18
SB 2583	Senate Message – Passage of Senate Bill .....	11
SB 2601	First Reading.....	18
SB 2601	Senate Message – Passage of Senate Bill .....	11
SB 2602	First Reading.....	18
SB 2602	Senate Message – Passage of Senate Bill .....	11
SB 2603	Senate Message – Passage of Senate Bill .....	11
SB 2605	First Reading.....	18
SB 2605	Senate Message – Passage of Senate Bill .....	11
SB 2607	Senate Message – Passage of Senate Bill .....	16
SB 2617	Senate Message – Passage of Senate Bill .....	11
SB 2626	First Reading.....	18
SB 2626	Senate Message – Passage of Senate Bill .....	11
SB 2630	Senate Message – Passage of Senate Bill .....	11
SB 2634	First Reading.....	18
SB 2634	Senate Message – Passage of Senate Bill .....	11
SB 2635	First Reading.....	18
SB 2635	Senate Message – Passage of Senate Bill .....	11
SB 2653	Senate Message – Passage of Senate Bill .....	11
SB 2654	Senate Message – Passage of Senate Bill .....	17
SB 2659	Senate Message – Passage of Senate Bill .....	11
SB 2665	Senate Message – Passage of Senate Bill .....	13
SB 2676	Senate Message – Passage of Senate Bill .....	16
SB 2678	Senate Message – Passage of Senate Bill .....	11
SB 2682	First Reading.....	18
SB 2682	Senate Message – Passage of Senate Bill .....	11
SB 2683	First Reading.....	18
SB 2683	Senate Message – Passage of Senate Bill .....	11
SB 2689	Senate Message – Passage of Senate Bill .....	11
SB 2690	Senate Message – Passage of Senate Bill .....	11
SB 2693	Senate Message – Passage of Senate Bill .....	11
SB 2696	Senate Message – Passage of Senate Bill .....	11
SB 2701	Senate Message – Passage of Senate Bill .....	11
SB 2704	Senate Message – Passage of Senate Bill .....	11
SB 2707	Senate Message – Passage of Senate Bill .....	12
SB 2718	Senate Message – Passage of Senate Bill .....	13
SB 2726	First Reading.....	18
SB 2726	Senate Message – Passage of Senate Bill .....	12
SB 2731	First Reading.....	18
SB 2731	Senate Message – Passage of Senate Bill .....	12
SB 2732	Senate Message – Passage of Senate Bill .....	13
SB 2755	First Reading.....	18
SB 2755	Senate Message – Passage of Senate Bill .....	12

SB 2757	First Reading.....	18
SB 2757	Senate Message – Passage of Senate Bill .....	12
SB 2768	Senate Message – Passage of Senate Bill .....	13
SB 2769	Senate Message – Passage of Senate Bill .....	12
SB 2788	First Reading.....	18
SB 2788	Senate Message – Passage of Senate Bill .....	12
SB 2794	First Reading.....	18
SB 2794	Senate Message – Passage of Senate Bill .....	12
SB 2799	Senate Message – Passage of Senate Bill .....	12
SB 2807	Senate Message – Passage of Senate Bill .....	12
SB 2820	Senate Message – Passage of Senate Bill .....	12
SB 2839	First Reading.....	18
SB 2839	Senate Message – Passage of Senate Bill .....	12
SB 2844	Senate Message – Passage of Senate Bill .....	13
SB 2845	Senate Message – Passage of Senate Bill .....	13
SB 2847	First Reading.....	18
SB 2847	Senate Message – Passage of Senate Bill .....	12
SB 2858	Senate Message – Passage of Senate Bill .....	16
SB 2861	First Reading.....	18
SB 2861	Senate Message – Passage of Senate Bill .....	12
SB 2878	Senate Message – Passage of Senate Bill .....	16
SB 2879	First Reading.....	18
SB 2879	Senate Message – Passage of Senate Bill .....	12
SB 2887	Senate Message – Passage of Senate Bill .....	17
SB 2892	First Reading.....	18
SB 2892	Senate Message – Passage of Senate Bill .....	13
SB 2901	First Reading.....	18
SB 2901	Senate Message – Passage of Senate Bill .....	13
SB 2908	Senate Message – Passage of Senate Bill .....	12
SB 2918	First Reading.....	18
SB 2918	Senate Message – Passage of Senate Bill .....	12
SB 2919	Senate Message – Passage of Senate Bill .....	12
SB 2921	Senate Message – Passage of Senate Bill .....	14
SB 2924	Senate Message – Passage of Senate Bill .....	14
SB 2926	Senate Message – Passage of Senate Bill .....	14
SB 2933	Senate Message – Passage of Senate Bill .....	16
SB 2944	First Reading.....	18
SB 2944	Senate Message – Passage of Senate Bill .....	14
SB 2946	Senate Message – Passage of Senate Bill .....	14
SB 2961	Senate Message – Passage of Senate Bill .....	14
SB 2962	Senate Message – Passage of Senate Bill .....	14
SB 2968	Senate Message – Passage of Senate Bill .....	14
SB 2978	Senate Message – Passage of Senate Bill .....	14
SB 2988	Senate Message – Passage of Senate Bill .....	14
SB 2989	First Reading.....	18
SB 2989	Senate Message – Passage of Senate Bill .....	14
SB 2995	First Reading.....	18
SB 2995	Senate Message – Passage of Senate Bill .....	14
SB 3004	First Reading.....	18
SB 3004	Senate Message – Passage of Senate Bill .....	14
SB 3013	Senate Message – Passage of Senate Bill .....	16
SB 3014	First Reading.....	18
SB 3014	Senate Message – Passage of Senate Bill .....	14
SB 3021	Senate Message – Passage of Senate Bill .....	15
SB 3026	First Reading.....	18
SB 3026	Senate Message – Passage of Senate Bill .....	14
SB 3027	Senate Message – Passage of Senate Bill .....	15

SB 3037	Senate Message – Passage of Senate Bill .....	14
SB 3053	Senate Message – Passage of Senate Bill .....	14
SB 3069	Senate Message – Passage of Senate Bill .....	15
SB 3077	Senate Message – Passage of Senate Bill .....	14
SB 3085	First Reading.....	18
SB 3085	Senate Message – Passage of Senate Bill .....	14
SB 3090	Senate Message – Passage of Senate Bill .....	14
SB 3091	First Reading.....	18
SB 3091	Senate Message – Passage of Senate Bill .....	14
SB 3107	Senate Message – Passage of Senate Bill .....	16
SB 3109	First Reading.....	18
SB 3109	Senate Message – Passage of Senate Bill .....	14
SB 3111	Senate Message – Passage of Senate Bill .....	14
SB 3112	Senate Message – Passage of Senate Bill .....	16
SB 3129	First Reading.....	18
SB 3129	Senate Message – Passage of Senate Bill .....	14
SB 3130	Senate Message – Passage of Senate Bill .....	15
SB 3140	Senate Message – Passage of Senate Bill .....	16
SB 3166	Senate Message – Passage of Senate Bill .....	14
SB 3174	Senate Message – Passage of Senate Bill .....	15
SB 3183	Senate Message – Passage of Senate Bill .....	15
SB 3186	Senate Message – Passage of Senate Bill .....	15
SB 3188	Senate Message – Passage of Senate Bill .....	15
SB 3189	Senate Message – Passage of Senate Bill .....	15
SB 3190	Senate Message – Passage of Senate Bill .....	15
SB 3191	Senate Message – Passage of Senate Bill .....	15
SB 3192	Senate Message – Passage of Senate Bill .....	15
SB 3193	Senate Message – Passage of Senate Bill .....	15
SB 3194	Senate Message – Passage of Senate Bill .....	15
SB 3195	Senate Message – Passage of Senate Bill .....	15
SB 3196	Senate Message – Passage of Senate Bill .....	15
SB 3197	Senate Message – Passage of Senate Bill .....	15
SB 3198	Senate Message – Passage of Senate Bill .....	15
SB 3199	Senate Message – Passage of Senate Bill .....	15
SB 3200	Senate Message – Passage of Senate Bill .....	16
SB 3201	Senate Message – Passage of Senate Bill .....	16
SB 3202	Senate Message – Passage of Senate Bill .....	16
SB 3203	Senate Message – Passage of Senate Bill .....	16
SB 3204	Senate Message – Passage of Senate Bill .....	16
SB 3207	Senate Message – Passage of Senate Bill .....	16
SB 3208	Senate Message – Passage of Senate Bill .....	16
SB 3211	Senate Message – Passage of Senate Bill .....	16
SB 3219	Senate Message – Passage of Senate Bill .....	16
SJR 0068	Adoption.....	73
SJR 0068	Resolution .....	73

The House met pursuant to adjournment.

Speaker Madigan in the chair.

Prayer by Pastor Roy Davidson of the First Baptist Church of Cave-In-Rock in Elizabethtown, IL.

Representative Grunloh led the House in the Pledge of Allegiance.

By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows:

112 present. (ROLL CALL 1)

By unanimous consent, Representatives Burke, Giles, Kosel, Lang and Osterman were excused from attendance.

#### **TEMPORARY COMMITTEE ASSIGNMENTS**

Representative Soto replaced Representative Burke in the Committee on Executive for today only.

Representative Chapa LaVia replaced Representative Osterman in the Committee on Housing & Urban Development for today only.

Representative Yarbrough replaced Representative McKeon in the Committee on Housing & Urban Development for today only.

Representative Molaro replaced Representative Joyce in the Committee on Labor for today only.

Representative Phelps replaced Representative Acevedo in the Committee on Labor for today only.

Representative Delgado replaced Representative Capparelli in the Committee on Executive for today only.

#### **REPORTS FROM THE COMMITTEE ON RULES**

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 1 to HOUSE BILL 3890.

Amendment No. 1 to HOUSE BILL 3980.

Amendment No. 1 to HOUSE BILL 3981.

Amendment No. 2 to HOUSE BILL 4012.

Amendment No. 3 to HOUSE BILL 4059.

Amendment No. 1 to HOUSE BILL 4154.

Amendment No. 1 to HOUSE BILL 4241.

Amendment No. 2 to HOUSE BILL 4566.

Amendment No. 2 to HOUSE BILL 4712.

Amendment No. 2 to HOUSE BILL 4735.

Amendment No. 2 to HOUSE BILL 4825.

Amendment No. 1 to HOUSE BILL 4851.

Amendment No. 1 to HOUSE BILL 4962.

Amendment No. 3 to HOUSE BILL 5180.

Amendment No. 1 to HOUSE BILL 5889.

Amendment No. 1 to HOUSE BILL 6951.

The committee roll call vote on the foregoing Legislative Measures is as follows:

4, Yeas; 0, Nays; 0, Answering Present.

Y Currie, Barbara(D), Chairperson

Y Hannig, Gary(D)

Y Turner, Arthur(D)

Y Black, William(R)

A Hassert, Brent(R), Republican Spokesperson

#### **COMMITTEE ON RULES REFERRALS**

Representative Currie, Chairperson of the Committee on Rules, reported the following legislative measures and/or joint action motions have been assigned as follows:



Aging: HOUSE AMENDMENT No. 2 to HOUSE BILL 5058.  
Environment & Energy: HOUSE AMENDMENT No. 2 to HOUSE BILL 4959.  
Executive: HOUSE AMENDMENT No. 2 to HOUSE BILL 4055.  
State Government Administration: SENATE BILL 2236.

#### **MOTIONS SUBMITTED**

Representative Howard submitted the following written motion, which was placed on the order of Motions:

#### **MOTION**

Pursuant to Rule 65, and having voted on the prevailing side, I move to reconsider the vote by which House Bill No. 6739 failed in the House earlier today.

#### **FISCAL NOTE SUPPLIED**

A Fiscal Note has been supplied for HOUSE BILL 5042, as amended.

#### **JUDICIAL NOTE SUPPLIED**

A Judicial Note has been supplied for SENATE BILL 1645, as amended.

#### **HOUSING AFFORDABILITY IMPACT NOTES SUPPLIED**

Housing Affordability Impact Notes have been supplied for HOUSE BILL 4481 and SENATE BILL 1645, as amended.

#### **CORRECTIONAL NOTE SUPPLIED**

A Correctional Note has been supplied for SENATE BILL 1645, as amended.

#### **BALANCED BUDGET NOTE SUPPLIED**

A Balanced Budget Note has been supplied for HOUSE BILL 5925, as amended.

#### **REQUEST FOR FISCAL NOTE**

Representative Hassert requested that a Fiscal Note be supplied for HOUSE BILL 4566, as amended.

#### **REQUEST FOR STATE MANDATES FISCAL NOTE**

Representative Hassert requested that a State Mandates Fiscal Note be supplied for HOUSE BILL 4566, as amended.

#### **MESSAGES FROM THE SENATE**

A message from the Senate by  
Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

- SENATE BILL NO. 2091  
A bill for AN ACT concerning crematories.
- SENATE BILL NO. 2424  
A bill for AN ACT concerning health.
- SENATE BILL NO. 2526  
A bill for AN ACT concerning military affairs.
- SENATE BILL NO. 2530  
A bill for AN ACT concerning aging.
- SENATE BILL NO. 2536  
A bill for AN ACT concerning the exercise of police powers by State employees.
- SENATE BILL NO. 2542  
A bill for AN ACT concerning business.
- SENATE BILL NO. 2545  
A bill for AN ACT concerning consumer protection.
- SENATE BILL NO. 2546  
A bill for AN ACT concerning sex offenders.
- SENATE BILL NO. 2547  
A bill for AN ACT concerning employment.
- SENATE BILL NO. 2548  
A bill for AN ACT concerning notaries public.
- SENATE BILL NO. 2551  
A bill for AN ACT in relation to public health and environmental protection.
- SENATE BILL NO. 2559  
A bill for AN ACT concerning business transactions.
- SENATE BILL NO. 2572  
A bill for AN ACT concerning civil immunity.
- SENATE BILL NO. 2583  
A bill for AN ACT in relation to children.
- SENATE BILL NO. 2601  
A bill for AN ACT concerning telecommunications.
- SENATE BILL NO. 2602  
A bill for AN ACT relating to telecommunications.
- SENATE BILL NO. 2603  
A bill for AN ACT concerning telecommunications.
- SENATE BILL NO. 2605  
A bill for AN ACT concerning law enforcement training.
- SENATE BILL NO. 2617  
A bill for AN ACT concerning professional regulation.
- SENATE BILL NO. 2626  
A bill for AN ACT in relation to veterans.
- SENATE BILL NO. 2630  
A bill for AN ACT in relation to estates.
- SENATE BILL NO. 2634  
A bill for AN ACT concerning financial regulation.
- SENATE BILL NO. 2635  
A bill for AN ACT concerning taxes.
- SENATE BILL NO. 2653  
A bill for AN ACT concerning corrections.
- SENATE BILL NO. 2659  
A bill for AN ACT concerning municipalities.
- SENATE BILL NO. 2678  
A bill for AN ACT in relation to gaming.
- SENATE BILL NO. 2682  
A bill for AN ACT concerning finance.

SENATE BILL NO. 2683  
 A bill for AN ACT concerning ethics.  
 SENATE BILL NO. 2689  
 A bill for AN ACT concerning civil procedure.  
 SENATE BILL NO. 2690  
 A bill for AN ACT concerning child support.  
 SENATE BILL NO. 2693  
 A bill for AN ACT in relation to immigrants.  
 SENATE BILL NO. 2696  
 A bill for AN ACT concerning drilling operations.  
 SENATE BILL NO. 2701  
 A bill for AN ACT in relation to public employee benefits.  
 SENATE BILL NO. 2704  
 A bill for AN ACT concerning taxes.  
 Passed by the Senate, March 25, 2004.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILLS 2091, 2424, 2526, 2530, 2536, 2542, 2545, 2546, 2547, 2548, 2551, 2559, 2572, 2583, 2601, 2602, 2603, 2605, 2617, 2626, 2630, 2634, 2635, 2653, 2659, 2678, 2682, 2683, 2689, 2690, 2693, 2696, 2701 and 2704 were ordered printed and to a First Reading.

A message from the Senate by  
 Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 2707  
 A bill for AN ACT concerning the Office of Banks and Real Estate.  
 SENATE BILL NO. 2726  
 A bill for AN ACT concerning the Department on Aging.  
 SENATE BILL NO. 2731  
 A bill for AN ACT concerning utilities.  
 SENATE BILL NO. 2755  
 A bill for AN ACT concerning higher education.  
 SENATE BILL NO. 2757  
 A bill for AN ACT concerning courts.  
 SENATE BILL NO. 2769  
 A bill for AN ACT concerning education.  
 SENATE BILL NO. 2788  
 A bill for AN ACT in relation to public aid.  
 SENATE BILL NO. 2794  
 A bill for AN ACT in relation to health.  
 SENATE BILL NO. 2799  
 A bill for AN ACT concerning State Police.  
 SENATE BILL NO. 2807  
 A bill for AN ACT concerning taxes.  
 SENATE BILL NO. 2820  
 A bill for AN ACT in relation to housing.  
 SENATE BILL NO. 2839  
 A bill for AN ACT in relation to certain land.  
 SENATE BILL NO. 2847  
 A bill for AN ACT in relation to public aid.  
 SENATE BILL NO. 2861  
 A bill for AN ACT concerning finance.

SENATE BILL NO. 2879  
A bill for AN ACT concerning mosquito abatement districts.  
SENATE BILL NO. 2908  
A bill for AN ACT concerning financial regulation.  
SENATE BILL NO. 2918  
A bill for AN ACT concerning education.  
SENATE BILL NO. 2919  
A bill for AN ACT in relation to new Americans.  
Passed by the Senate, March 25, 2004.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILLS 2707, 2726, 2731, 2755, 2757, 2769, 2788, 2794, 2799, 2807, 2820, 2839, 2847, 2861, 2879, 2908, 2918 and 2919 were ordered printed and to a First Reading.

A message from the Senate by  
Ms. Hawker, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 1006  
A bill for AN ACT in relation to environmental safety.  
SENATE BILL NO. 1576  
A bill for AN ACT in relation to zoning.  
SENATE BILL NO. 2145  
A bill for AN ACT concerning environmental protection.  
SENATE BILL NO. 2335  
A bill for AN ACT in relation to health.  
SENATE BILL NO. 2339  
A bill for AN ACT concerning insurance.  
SENATE BILL NO. 2401  
A bill for AN ACT concerning vehicles.  
SENATE BILL NO. 2404  
A bill for AN ACT in relation to insurance.  
SENATE BILL NO. 2491  
A bill for AN ACT in relation to insurance.  
SENATE BILL NO. 2503  
A bill for AN ACT concerning voting technology.  
SENATE BILL NO. 2525  
A bill for AN ACT concerning public utilities.  
SENATE BILL NO. 2665  
A bill for AN ACT concerning employment.  
SENATE BILL NO. 2718  
A bill for AN ACT concerning the Department of Natural Resources.  
SENATE BILL NO. 2768  
A bill for AN ACT concerning health facilities.  
SENATE BILL NO. 2844  
A bill for AN ACT concerning veterans home advisory councils.  
SENATE BILL NO. 2845  
A bill for AN ACT concerning public health.  
SENATE BILL NO. 2892  
A bill for AN ACT concerning taxes.  
SENATE BILL NO. 2901  
A bill for AN ACT concerning business transactions.  
Passed by the Senate, March 26, 2004.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILLS 1006, 1576, 2145, 2335, 2339, 2401, 2404, 2491, 2503, 2525, 2665, 2718, 2768, 2844, 2845, 2892 and 2901 were ordered printed and to a First Reading.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 985

A bill for AN ACT in relation to labor relations.

SENATE BILL NO. 1550

A bill for AN ACT in relation to education.

SENATE BILL NO. 2140

A bill for AN ACT concerning property taxes.

SENATE BILL NO. 2196

A bill for AN ACT concerning stormwater management.

SENATE BILL NO. 2293

A bill for AN ACT in relation to alcohol.

SENATE BILL NO. 2375

A bill for AN ACT concerning procurement.

SENATE BILL NO. 2381

A bill for AN ACT concerning nursing.

SENATE BILL NO. 2386

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 2517

A bill for AN ACT concerning accessible electronic information.

SENATE BILL NO. 2578

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 2732

A bill for AN ACT relating to schools.

Passed by the Senate, March 25, 2004.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILLS 985, 1550, 2140, 2196, 2293, 2375, 2381, 2386, 2517, 2578 and 2732 were ordered printed and to a First Reading.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 2921

A bill for AN ACT concerning housing.

SENATE BILL NO. 2924

A bill for AN ACT concerning municipalities.

SENATE BILL NO. 2926

A bill for AN ACT concerning child care.

SENATE BILL NO. 2944

A bill for AN ACT concerning public health.

SENATE BILL NO. 2946  
A bill for AN ACT concerning civil rights.  
SENATE BILL NO. 2961  
A bill for AN ACT concerning business.  
SENATE BILL NO. 2962  
A bill for AN ACT concerning business.  
SENATE BILL NO. 2968  
A bill for AN ACT concerning economic development.  
SENATE BILL NO. 2978  
A bill for AN ACT concerning insurance.  
SENATE BILL NO. 2988  
A bill for AN ACT in relation to property.  
SENATE BILL NO. 2989  
A bill for AN ACT in relation to business transactions.  
SENATE BILL NO. 2995  
A bill for AN ACT concerning schools.  
SENATE BILL NO. 3004  
A bill for AN ACT concerning criminal law.  
SENATE BILL NO. 3014  
A bill for AN ACT concerning criminal law.  
SENATE BILL NO. 3026  
A bill for AN ACT concerning a youth service scholarship program.  
SENATE BILL NO. 3037  
A bill for AN ACT concerning public aid.  
SENATE BILL NO. 3053  
A bill for AN ACT in relation to alcoholic liquor.  
SENATE BILL NO. 3077  
A bill for AN ACT concerning mortgages.  
SENATE BILL NO. 3085  
A bill for AN ACT in relation to transportation.  
SENATE BILL NO. 3090  
A bill for AN ACT concerning schools.  
SENATE BILL NO. 3091  
A bill for AN ACT concerning education.  
SENATE BILL NO. 3109  
A bill for AN ACT concerning education.  
SENATE BILL NO. 3111  
A bill for AN ACT concerning animals.  
SENATE BILL NO. 3129  
A bill for AN ACT concerning taxes.  
SENATE BILL NO. 3166  
A bill for AN ACT concerning sexually violent persons.  
Passed by the Senate, March 26, 2004.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILLS 2921, 2924, 2926, 2944, 2946, 2961, 2962, 2968, 2978, 2988, 2989, 2995, 3004, 3014, 3026, 3037, 3053, 3077, 3085, 3090, 3091, 3109, 3111, 3129 and 3166 were ordered printed and to a First Reading.

A message from the Senate by  
Ms. Hawker, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 3021  
A bill for AN ACT concerning financial regulation.

SENATE BILL NO. 3027  
A bill for AN ACT concerning financial regulation.

SENATE BILL NO. 3069  
A bill for AN ACT concerning carnival ride operators.

SENATE BILL NO. 3130  
A bill for AN ACT concerning criminal law.

SENATE BILL NO. 3174  
A bill for AN ACT concerning civil liabilities.

SENATE BILL NO. 3183  
A bill for AN ACT concerning taxation.

SENATE BILL NO. 3186  
A bill for AN ACT concerning human rights.

SENATE BILL NO. 3188  
A bill for AN ACT in relation to executive agencies.

SENATE BILL NO. 3189  
A bill for AN ACT concerning license plates.

SENATE BILL NO. 3190  
A bill for AN ACT concerning commerce.

SENATE BILL NO. 3191  
A bill for AN ACT in relation to executive agencies.

SENATE BILL NO. 3192  
A bill for AN ACT in relation to executive agencies.

SENATE BILL NO. 3193  
A bill for AN ACT in relation to executive agency reorganization.

SENATE BILL NO. 3194  
A bill for AN ACT in relation to executive agency reorganization.

SENATE BILL NO. 3195  
A bill for AN ACT in relation to budget implementation.

SENATE BILL NO. 3196  
A bill for AN ACT in relation to budget implementation.

SENATE BILL NO. 3197  
A bill for AN ACT concerning State Fairs.

SENATE BILL NO. 3198  
A bill for AN ACT concerning finance.

SENATE BILL NO. 3199  
A bill for AN ACT in relation to State employees.

Passed by the Senate, March 26, 2004.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILLS 3021, 3027, 3069, 3130, 3174, 3183, 3186, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198 and 3199 were ordered printed and to a First Reading.

A message from the Senate by  
Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 2271  
A bill for AN ACT concerning public access to physical therapists.

SENATE BILL NO. 2499  
A bill for AN ACT in relation to criminal law.

SENATE BILL NO. 2607

- A bill for AN ACT concerning criminal law.  
SENATE BILL NO. 2676
- A bill for AN ACT concerning education.  
SENATE BILL NO. 2858
- A bill for AN ACT concerning business transactions.  
SENATE BILL NO. 2878
- A bill for AN ACT concerning human rights.  
SENATE BILL NO. 2933
- A bill for AN ACT concerning elections.  
SENATE BILL NO. 3013
- A bill for AN ACT concerning water safety.  
SENATE BILL NO. 3107
- A bill for AN ACT concerning education.  
SENATE BILL NO. 3112
- A bill for AN ACT in relation to public health.  
SENATE BILL NO. 3140
- A bill for AN ACT in relation to criminal law.  
SENATE BILL NO. 3200
- A bill for AN ACT in relation to executive agencies.  
SENATE BILL NO. 3201
- A bill for AN ACT in relation to executive agencies.  
SENATE BILL NO. 3202
- A bill for AN ACT concerning bonds.  
SENATE BILL NO. 3203
- A bill for AN ACT concerning bonds.  
SENATE BILL NO. 3204
- A bill for AN ACT concerning bonds.  
SENATE BILL NO. 3207
- A bill for AN ACT concerning the Attorney General.  
SENATE BILL NO. 3208
- A bill for AN ACT concerning commissions.  
SENATE BILL NO. 3211
- A bill for AN ACT concerning health.  
SENATE BILL NO. 3219
- A bill for AN ACT to increase the availability and facilitate the delivery of venture capital to emerging and expanding enterprises in the State of Illinois.  
Passed by the Senate, March 26, 2004.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILLS 2271, 2499, 2607, 2676, 2858, 2878, 2933, 3013, 3107, 3112, 3140, 3200, 3201, 3202, 3203, 3204, 3207, 3208, 3211 and 3219 were ordered printed and to a First Reading.

A message from the Senate by  
Ms. Hawker, Secretary:  
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

- SENATE BILL NO. 2654
- A bill for AN ACT concerning criminal law.  
SENATE BILL NO. 2887
- A bill for AN ACT concerning professional regulation.  
Passed by the Senate, March 26, 2004.

Linda Hawker, Secretary of the Senate



The foregoing SENATE BILLS 2654 and 2887 were ordered printed and to a First Reading.

### REPORTS FROM STANDING COMMITTEES

Representative Mendoza, Chairperson, from the Committee on Consumer Protection to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":  
Amendment No. 2 to HOUSE BILL 4450.

Representative McKeon, Chairperson, from the Committee on Labor to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":  
Amendment No. 1 to SENATE BILL 1645.

The committee roll call vote on Amendment No. 1 to Senate Bill 1645 is as follows:  
8, Yeas; 3, Nays; 0, Answering Present.

Y McKeon,Larry(D), Chairperson	Y Acevedo,Edward(D) (Phelps)
A Bellock,Patricia(R)	N Cultra,Shane(R)
Y Delgado,William(D)	Y Hoffman,Jay(D)
Y Howard,Constance(D)	N Hultgren,Randall(R)
Y Jefferson,Charles(D)	Y Joyce,Kevin(D) (Molaro)
A Parke,Terry(R)	Y Soto,Cynthia(D), Vice-Chairperson
A Tenhouse,Art(R)	N Winters,Dave(R), Republican Spokesperson

Representative Daniels, Chairperson, from the Committee on Develop Disabilities Mental Illness to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":  
Amendment No. 2 to HOUSE BILL 5000.

The committee roll call vote on Amendment No. 2 to House Bill 5000 is as follows:  
7, Yeas; 0, Nays; 0, Answering Present.

Y Daniels,Lee(R), Chairperson	Y Bellock,Patricia(R), Republican Spokesperson
A Brosnahan,James(D), Vice-Chairperson	Y Churchill,Robert(R)
A Froehlich,Paul(R)	Y Jakobsson,Naomi(D)
Y Kurtz,Rosemary(R)	Y Ryg,Kathleen(D)
Y Washington,Eddie(D)	

Representative Richard Bradley, Chairperson, from the Committee on Executive to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":  
Amendment No. 2 to HOUSE BILL 4003.

The committee roll call vote on Amendment No. 2 to House Bill 4003 is as follows:  
10, Yeas; 1, Nays; 0, Answering Present.

Y Burke,Daniel(D), Chairperson (Soto)	Y Acevedo,Edward(D)
Y Biggins,Bob(R)	Y Bradley,Richard(D), Vice-Chairperson
Y Capparelli,Ralph(D) (Delgado)	Y Hassert,Brent(R) (Aguilar)
Y Jones,Lovana(D)	Y McKeon,Larry(D)

Y Molaro,Robert(D)  
A Saviano,Angelo(R)

N Pankau,Carole(R), Republican Spokesperson  
Y Winters,Dave(R)

Representative Hamos, Chairperson, from the Committee on Housing & Urban Development to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 1 to HOUSE BILL 4439.

The committee roll call vote on Amendment No. 1 to House Bill 4439 is as follows:

12, Yeas; 4, Nays; 0, Answering Present.

Y Hamos,Julie(D), Chairperson	Y Bailey,Patricia(D)
A Biggins,Bob(R)	Y Feigenholtz,Sara(D)
Y Froehlich,Paul(R)	Y Graham,Deborah(D)
A Jefferson,Charles(D)	Y Kelly,Robin(D)
N Leitch,David(R), Republican Spokesperson	Y McKeon,Larry(D), Vice-Chair (Yarbrough)
Y Munson,Ruth(R)	Y Nekritz,Elaine(D)
Y Osterman,Harry(D) (Chapa LaVia)	A Poe,Raymond(R)
N Pritchard,Robert(R)	N Rose,Chapin(R)
Y Ryg,Kathleen(D)	Y Slone,Ricca(D)
A Sommer,Keith(R)	N Stephens,Ron(R)

#### **CHANGE OF SPONSORSHIP**

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Washington asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 5340.

Representative Chapa LaVia asked and obtained unanimous consent to be removed as chief sponsor and Representative Berrios asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 5875.

#### **SENATE BILLS ON FIRST READING**

Having been printed, the following bills were taken up, read by title a first time and placed in the Committee on Rules: SENATE BILLS 1006, 1576, 2123, 2145, 2148, 2166, 2236, 2250, 2251,2252, 2253, 2254, 2270, 2272, 2273, 2290, 2299, 2327, 2335, 2360, 2367, 2370, 2375, 2395, 2407, 2424, 2456, 2457, 2460, 2466, 2471, 2480, 2491, 2495, 2502, 2530, 2545, 2546, 2547, 2551, 2559, 2583, 2601, 2602, 2605, 2626, 2634, 2635, 2682, 2683, 2726, 2731, 2755, 2757, 2788, 2794, 2839, 2847, 2861, 2879, 2892, 2901, 2918, 2944, 2989, 2995, 3004, 3014, 3026, 3085, 3091, 3109 and 3129

#### **AGREED RESOLUTIONS**

The following resolutions were offered and placed on the Calendar on the order of Agreed Resolutions.

#### **HOUSE RESOLUTION 764**

Offered by Representative Osterman:

WHEREAS, The members of the Illinois House of Representatives wish to recognize the Academy of the Sacred Heart for Girls and Hardey Preparatory for Boys in Chicago on the occasion of the dedication of a new classroom addition to their school; and

WHEREAS, Sacred Heart Schools are members of the Network of Sacred Heart Schools which includes 21 schools across the United States; the Schools maintain an affiliation with nearly 150 Sacred Heart schools in 32 countries worldwide; and

WHEREAS, The Sacred Heart Schools were founded in 1876, just five years after the great Chicago fire, by Mother Elizabeth Tucker and three other Religious of the Sacred Heart; today, the Schools enroll 500 students in Kindergarten through 8th grade in single-sex co-institutional elementary schools; when the expansion project is complete, the Schools will be able to accommodate 600 students still contained in small class sizes of 16-18 students; and

WHEREAS, The new 33,000 square foot addition includes a new library/media center, middle school and kindergarten classrooms, science labs, a computer lab, a large multi-purpose room, and a roof-top playground; and

WHEREAS, On May 1, 2004, the new building will be blessed with tours and a reception; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the Academy of the Sacred Heart for Girls and Hardey Preparatory for Boys on their recent addition to their school and salute all those involved in this important effort; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Sr. Susan Maxwell, the director of the schools, in recognition of the excellent quality of education provided by these schools.

#### HOUSE RESOLUTION 765

Offered by Representative Osterman:

WHEREAS, The members of the House of Representatives of the State of Illinois are pleased to honor the Senn High School Health Center on the occasion of its open house that occurred on Monday, March 22, 2004; and

WHEREAS, The clinic was started by Louis A. Weiss Memorial Hospital, who ran the clinic prior to Heartland Health Outreach (HHO); the program became a part of HHO in the spring of 2002 when Weiss Hospital became a for-profit hospital; and

WHEREAS, The goal of Senn Health Center is to improve the physical and emotional health of Senn students and teach them life-long, positive health behaviors; the Center provides primary health care services for approximately 1,800 Senn High School students, including health assessment, physical exams, diagnosis and treatment of illness and injury, health education, prevention services, and laboratory services; students benefit from the partnership with HHO by having access to additional comprehensive primary medical care, including radiology, pharmacy, diagnostic, and dental care offered at a sliding scale fee; and

WHEREAS, The Center is located at 5900 N. Glenwood, in Edgewater and operates out of a newly renovated space within the school; the funding for the newly renovated space was provided by the Chicago Board of Education; the space includes three exam rooms, a handicap accessible bathroom, a laboratory, storage room, and access to a large meeting room; and

WHEREAS, The program is collaborative in nature; Alternatives, Inc., a youth services agency in Uptown, provides mental health services 20 hours per week; other partners include Senn High School, The Chicago Board of Education, Polk Bros. (primary funder of the clinic), Grant Healthcare (2002-2003 funder), and the Lurie Foundation (funded the program in 2002); and

WHEREAS, Senn High School has a very diverse student population; 44% of the students were born outside the United States and hail from 60 different countries; 61% of the student body speaks a language other than English in their homes; 24.4% of the students have limited English language proficiency; through HHO, Senn students have access to interpretive services in 40 languages; and

WHEREAS, The Senn Health Center strives to improve the physical, emotional, and mental health of Senn students by promoting healthy lifestyles and providing accessible preventative and curative health services; it works to reduce absenteeism from school due to illness and to decrease the rate of truancy and school drop outs due to emotional and mental health challenges; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we honor the Senn Health Center for the invaluable health care services it provides to the students of Senn High School; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Senn Health Center as an expression

of our esteem.

### HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were printed and laid upon the Members' desks. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Brauer, HOUSE BILL 4400 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 112, Yeas; 0, Nays; 0, Answering Present.  
(ROLL CALL 2)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Colvin, HOUSE BILL 4688 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 84, Yeas; 0, Nays; 28, Answering Present.  
(ROLL CALL 3)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Brauer, HOUSE BILL 4410 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 112, Yeas; 0, Nays; 0, Answering Present.  
(ROLL CALL 4)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Colvin, HOUSE BILL 6739 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 46, Yeas; 65, Nays; 1, Answering Present.  
(ROLL CALL 5)

This bill, having failed to receive the votes of a constitutional majority of the Members elected, was declared failed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Kurtz, HOUSE BILL 3821 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 112, Yeas; 0, Nays; 0, Answering Present.  
(ROLL CALL 6)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Monique Davis, HOUSE BILL 3963 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

112, Yeas; 0, Nays; 0, Answering Present.  
(ROLL CALL 7)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

### **AGREED RESOLUTION**

HOUSE RESOLUTION 753 was taken up for consideration.  
Representative McCarthy moved the adoption of the agreed resolution.  
The motion prevailed and the Agreed Resolution was adopted.

### **ACTION ON MOTIONS**

Representative Ryg asked and obtained unanimous consent to table House Bill 3994.  
The motion prevailed.

### **HOUSE BILLS ON THIRD READING**

The following bills and any amendments adopted thereto were printed and laid upon the Members' desks. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative William Davis, HOUSE BILL 4280 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:  
96, Yeas; 15, Nays; 1, Answering Present.  
(ROLL CALL 8)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Leitch, HOUSE BILL 4132 was taken up and read by title a third time.  
And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:  
112, Yeas; 0, Nays; 0, Answering Present.  
(ROLL CALL 9)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Flider, HOUSE BILL 4346 was taken up and read by title a third time.  
And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:  
112, Yeas; 0, Nays; 0, Answering Present.  
(ROLL CALL 10)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Leitch, HOUSE BILL 4720 was taken up and read by title a third time.  
And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:  
112, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 11)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Lindner, HOUSE BILL 4318 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 109, Yeas; 3, Nays; 0, Answering Present.

(ROLL CALL 12)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Brosnahan, HOUSE BILL 4502 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 112, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 13)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Jerry Mitchell, HOUSE BILL 6906 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 112, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 14)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Moffitt, HOUSE BILL 4716 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 111, Yeas; 1, Nays; 0, Answering Present.

(ROLL CALL 15)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Joyce, HOUSE BILL 4914 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 112, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 16)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Munson, HOUSE BILL 5165 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 112, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 17)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Osmond, HOUSE BILL 4351 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 66, Yeas; 46, Nays; 0, Answering Present.

(ROLL CALL 18)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Joyce, HOUSE BILL 4894 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 110, Yeas; 1, Nays; 1, Answering Present.

(ROLL CALL 19)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Joseph Lyons, HOUSE BILL 5014 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 112, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 20)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Sacia, HOUSE BILL 5129 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 112, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 21)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative McGuire, HOUSE BILL 4476 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 112, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 22)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

### RECALLS

By unanimous consent, on motion of Representative Hamos, HOUSE BILL 4953 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

By unanimous consent, on motion of Representative Churchill, HOUSE BILL 4703 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

By unanimous consent, on motion of Representative McKeon, HOUSE BILL 4374 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

### HOUSE BILLS ON SECOND READING

HOUSE BILL 4566. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Juvenile Justice Reform, adopted and printed:

AMENDMENT NO. 1. Amend House Bill 4566 by replacing everything after the enacting clause with the following:

"Section 5. The Juvenile Court Act of 1987 is amended by changing Section 5-915 as follows:  
(705 ILCS 405/5-915)

Sec. 5-915. Expungement of juvenile law enforcement and juvenile court records.

(1) Whenever any person has attained the age of 17 or whenever all juvenile court proceedings relating to that person have been terminated, whichever is later, the person may petition the court to expunge law enforcement records relating to incidents occurring before his or her 17th birthday or his or her juvenile court records, or both, but only in the following circumstances:

(a) the minor was arrested and no petition for delinquency was filed with the clerk of the circuit court; or

(b) the minor was charged with an offense and was found not delinquent of that offense;  
or

(c) the minor was placed under supervision pursuant to Section 5-615, and the order of supervision has since been successfully terminated; or

(d) the minor was adjudicated for an offense which would be a Class B misdemeanor, Class C misdemeanor, or a petty or business offense if committed by an adult.

(2) Any person may petition the court to expunge all law enforcement records relating to any incidents occurring before his or her 17th birthday which did not result in proceedings in criminal court and all juvenile court records with respect to any adjudications except those based upon first degree murder and sex offenses which would be felonies if committed by an adult, if the person for whom expungement is sought has had no convictions for any crime since his or her 17th birthday and:

(a) has attained the age of 21 years; or

(b) 5 years have elapsed since all juvenile court proceedings relating to him or her have been terminated or his or her commitment to the Department of Corrections, Juvenile Division pursuant to this Act has been terminated;  
whichever is later of (a) or (b).

(2.5) If a minor is arrested and no petition for delinquency is filed with the clerk of the circuit court as provided in paragraph (a) of subsection (1) at the time the minor is released from custody, the youth officer, if applicable, or other designated person from the arresting agency, shall notify verbally and in writing to the minor or the minor's parents or guardians that if the State's Attorney does not file a petition for delinquency, the minor has a right to petition to have his or her arrest record expunged when the minor attains the age of 17 or when all juvenile court proceedings relating to that minor have been terminated and that unless a petition to expunge is filed, the minor shall have an arrest record and shall provide the minor and the minor's parents or guardians with an expungement information packet, including a petition to expunge juvenile records obtained from the clerk of the circuit court.

(2.6) If a minor is charged with an offense and is found not delinquent of that offense; or if a minor is placed under supervision under Section 5-615, and the order of supervision is successfully terminated; or if a minor is adjudicated for an offense that would be a Class B misdemeanor, a Class C misdemeanor, or a business or petty offense if committed by an adult; or if a minor has incidents occurring before his or her 17th birthday that would have not resulted in proceedings in criminal court or resulted in proceedings in juvenile court, and the adjudications were not based upon first degree murder or sex offenses that would be felonies if committed by an adult; then at the time of sentencing or dismissal of the case, the judge shall inform the delinquent minor of his or her right to expungement as provided by law, and the clerk of the circuit court shall provide an expungement information packet to the delinquent minor, written in plain language, including a petition for expungement, a sample of a completed petition, expungement



instructions that shall include information informing the minor that (i) once the case is expunged, it shall be treated as if it never occurred, (ii) he or she may apply to have petition fees waived, (iii) once he or she obtains an expungement, he or she may not be required to disclose that he or she had a juvenile record, and (iv) he or she may file the petition on his or her own or with the assistance of an attorney.

(2.7) For counties with a population over 3,000,000, the clerk of the circuit court shall send a "Notification of a Possible Right to Expungement" post card to the minor at the address last received by the clerk of the circuit court on the date that the minor attains the age of 17 based on the birthdate provided to the court by the minor or his or her guardian in cases under paragraphs (b), (c), (c-5), and (d) of subsection (1); and when the minor attains the age of 21 based on the birthdate provided to the court by the minor or his or her guardian in cases under subsection (2).

(2.8) The petition for expungement for subsection (1) shall be substantially in the following form:

IN THE CIRCUIT COURT OF....., ILLINOIS

.....JUDICIAL CIRCUIT

IN THE INTEREST OF )

NO.

.....  
(Name of Petitioner)

PETITION TO EXPUNGE JUVENILE RECORDS

(705 ILCS 405/5-915 (SUBSECTION 1))

(Please prepare a separate petition for each offense)

Now comes....., petitioner, and respectfully requests that this Honorable Court enter an order expunging all juvenile law enforcement and court records of petitioner and in support thereof states that: Petitioner has attained the age of 17, his/her birth date being, ..... or all Juvenile Court proceedings terminated as of....., whichever occurred later. Petitioner was arrested on..... by the.....Police Department for the offense of ..... and:

(Check One:)

( ) a. no petition was filed with the Clerk of the Circuit Court.

( ) b. was charged with.....and was found not delinquent of the offense.

( ) c. a petition was filed and the petition was dismissed without a finding of delinquency on .....on.....

( ) d. on.....placed under supervision pursuant to Section 5-615 of the Juvenile Court Act of 1987 and such order of supervision successfully terminated on.....

( ) e. was adjudicated for the offense, which would have been a Class B misdemeanor, a Class C misdemeanor, or a lesser petty offense or business offense if committed by an adult.

Petitioner ....has ... has not been arrested on charges in this or any county other than the charges listed above. If petitioner has been arrested on additional charges, please list the charges below:

Charge(s):.....

Arresting Agency or Agencies:.....

Disposition/Result: (choose from a. through e., above):.....

WHEREFORE, the petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of petitioner to this incident, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident.

.....  
Petitioner (Signature)

.....  
Petitioner's Street Address

.....  
City, State, Zip code

.....  
Petitioner's Telephone Number

Pursuant to the penalties of perjury under the Code of Civil Procedure, 735, ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief I believe the same to be true.

.....Petitioner (Signature)

The Petition for Expungement for subsection (2) shall be substantially in the following form:

IN THE CIRCUIT COURT OF ..... , ILLINOIS

.....JUDICIAL CIRCUIT

IN THE INTEREST OF )

NO.

.....

(Name of Petitioner)

PETITION TO EXPUNGE JUVENILE RECORDS

(705 ILCS 405/5-915(SUBSECTION 2))

(Please prepare a separate petition for each offense)

Now comes ....., petitioner, and respectfully requests that this Honorable Court enter an order expunging all Juvenile Law Enforcement and Court records of petitioner and in support thereof states that:

The incident for which the Petitioner seeks expungement occurred before the Petitioner's 17th birthday and did not result in proceedings in criminal court and the Petitioner has not had any convictions for any crime since his/her 17th birthday; and

The incident for which the Petitioner seeks expungement occurred before the Petitioner's 17th birthday and the adjudication was not based upon first-degree murder or sex offenses which would be felonies if committed by an adult, and the Petitioner has not had any convictions for any crime since his/her 17th birthday.

Petitioner was arrested on ..... by the .....Police Department for the offense of ....., and:

(Check whichever one occurred the latest:)

( ) a. The Petitioner has attained the age of 21 years, his/her birthday being .....,; or

( ) b. 5 years have elapsed since all juvenile court proceedings relating to the Petitioner have been terminated; or the Petitioner's commitment to the Department of Corrections, Juvenile Division, pursuant to the expungement of juvenile law enforcement and court records provisions of the Juvenile Court Act of 1987 has been terminated. Petitioner ... has ... has not been arrested on charges in this or any other county other than the charge listed above. If petitioner has been arrested on additional charges, please list the charges below:

Charge(s): .....

Arresting Agency or Agencies:.....

Disposition/Result: (choose from a or b, above):.....

WHEREFORE, the petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of petitioner to this incident, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident.

.....  
Petitioner (Signature)

.....  
Petitioner's Street Address

.....  
City, State, Zip code

.....  
Petitioner's Telephone Number

Pursuant to the penalties of perjury under the Code of Civil Procedure, 735, ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief I believe the same to be true.

.....  
Petitioner (Signature)

(3) The chief judge of the circuit in which an arrest was made or a charge was brought or any judge of that circuit designated by the chief judge may, upon verified petition of a person who is the subject of an arrest or a juvenile court proceeding under subsection (1) or (2) of this Section, order the law enforcement records or official court file, or both, to be expunged from the official records of the arresting authority, the clerk of the circuit court and the Department of State Police. The person whose records are to be expunged shall petition the court using the appropriate form containing his or her current address and shall promptly notify the clerk of the circuit court of any change of address. Notice that the person's records are to be expunged of the petition shall be served upon the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, and the arresting agency or agencies by the clerk of the circuit court. If an objection is filed within 90 days of the notice of the proposed expungement, the clerk of the circuit court shall set a date for hearing after the 90 day objection period. At the hearing the court shall hear evidence on whether the expungement should or should not be granted. Unless the State's Attorney or prosecutor, the Department of State Police, or an arresting agency objects to the expungement within 90 days of the notice, the court shall automatically enter an order granting expungement. The person whose records are to be expunged shall pay the clerk of the circuit court a fee equivalent to the cost associated with expungement of records by the clerk and the Department of State Police. The clerk shall

forward the Department of State Police portion of the fee to the Department of State Police and it shall be deposited into the State Police Services Fund. The clerk shall deliver a certified copy of the order to the arresting agency, and when appropriate, the Department of State Police Bureau of Identification and upon the arresting authority which is the subject of the petition for expungement.

(3.1) The Notice of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF....., ILLINOIS

....JUDICIAL CIRCUIT

IN THE INTEREST OF) \_\_\_\_\_ NO.

.....  
(Name of Petitioner)

NOTICE TO: State's Attorney

TO: Arresting Agency

TO: Illinois State Police

ATTENTION: Expungement

You are hereby notified that on....., at....., in courtroom ..., located at..., before the Honorable.... Judge, or any judge sitting in his/her stead, I shall then and there present a Petition to Expunge Juvenile records in the above-entitled matter, at which time and place you may appear.

.....  
Petitioner's Signature

.....  
Petitioner's Street Address

.....  
City, State, Zip code

.....  
Petitioner's Telephone Number

PROOF OF SERVICE

On the.....day of....., 200..., I on oath state that I served this notice and true and correct copies of the above-checked documents by: (Check One:) delivering copies personally to each entity to whom they are directed; or by mailing copies to each entity to whom they are directed by depositing the same in the U.S. Mail, proper postage fully prepaid, before the hour of 5:00 p.m., at the United States Postal Depository located at .....

Signature Clerk of the Circuit Court or Deputy Clerk

Printed Name of Delinquent Minor/Petitioner:....

Address:.....

Telephone Number:.....

(3.2) The Order of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF....., ILLINOIS

JUDICIAL CIRCUIT

IN THE INTEREST OF

.....  
(Name of Petitioner)

DOB.....

Arresting Agency/Agencies.....

ORDER OF EXPUNGEMENT

(705 ILCS 405/5-915 (3))

This matter having been heard on the petitioner's motion and the court being fully advised in the premises does find that the petitioner is indigent or has presented reasonable cause to waive all costs in this matter, IT IS HEREBY ORDERED that:

( ) 1. Clerk of Court and Department of State Police costs are hereby waived in this matter.

( ) 2. The Illinois State Police Bureau of Identification and the following law enforcement agencies expunge all records of petitioner relating to an arrest dated.....for the offense of.....

Law Enforcement Agencies:

.....  
( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit Court expunge all records regarding the above-captioned case.

ENTER:.....

JUDGE

DATED:.....

Name:

Attorney for:

Address: City/State/Zip:

Attorney Number:

(3.3) The Notice of Objection shall be in substantially the following form:

IN THE CIRCUIT COURT OF....., ILLINOIS

.....JUDICIAL CIRCUIT

IN THE INTEREST OF) \_\_\_\_\_ NO.

(Name of Petitioner)

NOTICE OF OBJECTION

TO:(Attorney, Public Defender, Minor)

TO:(Judge) TO:(Illinois State Police)

TO:(Arresting Agency/Agencies)

TO:(Clerk of the Court)

ATTENTION: You are hereby notified that an objection has been filed by the following entity regarding the above-named minor's petition for expungement of juvenile records:

( ) State's Attorney' Office

( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged

( ) Department of Illinois State Police

( ) Arresting Agency or Agencies

The agency checked above respectfully requests that this case be continued and set for hearing on whether the expungement should or should not be granted.

DATED:.....

Name:

Attorney For:

Address:

City/State/Zip:

Telephone:

Attorney No.:

FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

This matter has been set for hearing on the foregoing objection, on .....in room..... located at..... before the Honorable ....., Judge, or any judge sitting in his/her stead. (Only one hearing shall be set, regardless of the number of Notices of Objection received on the same case).

A copy of this completed Notice of Objection containing the court date, time, and location, has been sent via regular U.S. Mail to the following entities. (If more than one Notice of Objection is received on the same case, each one must be completed with the court date, time and location and mailed to the following entities):

( ) Attorney, Public Defender or Minor;

( ) State's Attorney's Office;

( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;

( ) Department of Illinois State Police; and

( ) Arresting agency or agencies.

Date:.....

Initials of Clerk completing this section:.....

(4) Upon entry of an order expunging records or files, the offense, which the records or files concern shall be treated as if it never occurred. Law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the person.

(5) Records which have not been expunged are sealed, and may be obtained only under the provisions of Sections 5-901, 5-905 and 5-915.

(6) Nothing in this Section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the offender. This information may only be used for statistical and bona fide research purposes.

(7)(a) The State Appellate Defender shall establish, maintain, and carry out, by December 31, 2004, a juvenile expungement program to provide information and assistance to minors eligible to have their juvenile records expunged.

(b) The State Appellate Defender shall develop brochures, pamphlets, and other materials in printed form and through the agency's World Wide Web site. The pamphlets and other materials shall include at a minimum the following information:

- (i) An explanation of the State's juvenile expungement process;
- (ii) The circumstances under which juvenile expungement may occur;
- (iii) The juvenile offenses that may be expunged;
- (iv) The steps necessary to initiate and complete the juvenile expungement process; and
- (v) Directions on how to contact the State Appellate Defender.

(c) The State Appellate Defender shall establish and maintain a statewide toll-free telephone number that a person may use to receive information or assistance concerning the expungement of juvenile records. The State Appellate Defender shall advertise the toll-free telephone number statewide. The State Appellate Defender shall develop an expungement information packet that may be sent to eligible persons seeking expungement of their juvenile records, which may include, but is not limited to, a pre-printed expungement petition with instructions on how to complete the petition and a pamphlet containing information that would assist individuals through the juvenile expungement process.

(d) The State Appellate Defender shall compile a statewide list of volunteer attorneys willing to assist eligible individuals through the juvenile expungement process.

(e) This Section shall be implemented from funds appropriated by the General Assembly to the State Appellate Defender for this purpose. The State Appellate Defender shall employ the necessary staff and adopt the necessary rules for implementation of this Section.

(8) (a) Except with respect to law enforcement agencies, the Department of Corrections, State's Attorneys, or other prosecutors, an expunged juvenile record may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Applications for employment must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of conviction or arrest. Employers may not ask if an applicant has had a juvenile record expunged. Effective January 1, 2005, the Department of Employment Security shall develop a program to inform employers that employers may not ask if an applicant had a juvenile record expunged and that application for employment must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of arrest or conviction.

(b) A person whose juvenile records have been expunged is not entitled to remission of any fines, costs, or other money paid as a consequence of expungement. This amendatory Act of the 93rd General Assembly does not affect the right of the victim of a crime to prosecute or defend a civil action for damages.

(Source: PA. 90-590, eff. 1-1-99.)

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

Floor Amendment No. 2 remained in the Committee on Rules.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was held on the order of Second Reading.

HOUSE BILL 4962. Having been printed, was taken up and read by title a second time.  
Representative Currie offered the following amendment and moved its adoption:

AMENDMENT NO.   1  . Amend House Bill 4962, on page 2, by deleting lines 3 through 8; and on page 2, below line 23, by inserting the following:

"Physician" means a person licensed to practice medicine in all its branches in Illinois."; and on page 5, after line 32, by inserting the following:

"(3.5) each of the gestational surrogate and the intended parent or parents shall have signed a written acknowledgement that he or she received information about the legal, financial, and contractual rights, expectations, penalties, and obligations of the surrogacy agreement."; and on page 6, line 6, by replacing "competent witnesses" with "competent adults"; and on page 6, by replacing line 8 with "(1) the express written agreement of the"; and on page 6, by replacing line 16 with "express agreement of her husband to."; and

on page 6, by replacing line 27 with "(4) the express written agreement of the"; and  
on page 7, line 2, by replacing "deems advisable" with "recommended"; and  
on page 7, line 6, by replacing "deems" with "believes to be"; and  
on page 9, by replacing line 13 with "accordance with the recommended guidelines"; and  
on page 9, line 15, after "Gynecologists.", by inserting "The rules may adopt these guidelines or others by reference."

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 3980. Having been recalled on March 25, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Bellock offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 3980 by replacing the title with the following:  
"AN ACT concerning human rights."; and  
by replacing everything after the enacting clause with the following:  
"Section 5. The Illinois Human Rights Act is amended by changing Sections 1-102, 5A-101, 5A-102, 6-101, 7-106, and 7-108 and the heading of Article 5A as follows:  
(775 ILCS 5/1-102) (from Ch. 68, par. 1-102)  
Sec. 1-102. Declaration of Policy. It is the public policy of this State:  
(A) Freedom from Unlawful Discrimination. To secure for all individuals within Illinois the freedom from discrimination against any individual because of his or her race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, military status, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.  
(B) Freedom from Sexual Harassment-Employment and Elementary, Secondary, and Higher Education. To prevent sexual harassment in employment and sexual harassment in elementary, secondary, and higher education.  
(C) Freedom from Discrimination Based on Citizenship Status-Employment. To prevent discrimination based on citizenship status in employment.  
(D) Freedom from Discrimination Based on Familial Status-Real Estate Transactions. To prevent discrimination based on familial status in real estate transactions.  
(E) Public Health, Welfare and Safety. To promote the public health, welfare and safety by protecting the interest of all people in Illinois in maintaining personal dignity, in realizing their full productive capacities, and in furthering their interests, rights and privileges as citizens of this State.  
(F) Implementation of Constitutional Guarantees. To secure and guarantee the rights established by Sections 17, 18 and 19 of Article I of the Illinois Constitution of 1970.  
(G) Equal Opportunity, Affirmative Action. To establish Equal Opportunity and Affirmative Action as the policies of this State in all of its decisions, programs and activities, and to assure that all State departments, boards, commissions and instrumentalities rigorously take affirmative action to provide equality of opportunity and eliminate the effects of past discrimination in the internal affairs of State government and in their relations with the public.  
(H) Unfounded Charges. To protect citizens of this State against unfounded charges of unlawful discrimination, sexual harassment in employment and sexual harassment in elementary, secondary, and higher education, and discrimination based on citizenship status in employment.  
(Source: P.A. 87-579; 88-178.)

(775 ILCS 5/Art. 5A heading)  
**ARTICLE 5A. ELEMENTARY, SECONDARY, AND HIGHER EDUCATION**

(775 ILCS 5/5A-101) (from Ch. 68, par. 5A-101)  
Sec. 5A-101. Definitions. The following definitions are applicable strictly in the content of this Article, except that the term "sexual harassment in elementary, secondary, and higher education" as defined herein has the meaning herein ascribed to it whenever that term is used anywhere in this Act.

(A) Institution of Elementary, Secondary, or Higher Education. "Institution of elementary, secondary, or higher education" means: (1) a ~~any~~ publicly or privately operated university, college, community college, junior college, business or vocational school, or other educational institution offering degrees and instruction beyond the secondary school level ; or (2) a publicly or privately operated elementary school or secondary school.

(B) Degree. "Degree" means: (1) a ~~any~~ designation, appellation, series of letters or words or other symbols which signifies or purports to signify that the recipient thereof has satisfactorily completed an organized academic, business or vocational program of study offered beyond the secondary school level ; or (2) a designation signifying that the recipient has graduated from an elementary school or secondary school.

(C) Student. "Student" means any individual admitted to or applying for admission to an institution of elementary, secondary, or higher education, or enrolled on a full or part time basis in a course or program of academic, business or vocational instruction offered by or through an institution of elementary, secondary, or higher education.

(D) Elementary, Secondary, or Higher Education Representative. "Elementary, Secondary, or Higher Education representative" means and includes the president, chancellor or other holder of any executive office on the administrative staff of an institution of higher education, an administrator of an elementary school or secondary school, a ~~and any~~ member of the faculty of an institution of higher education, including but not limited to a dean or associate or assistant dean, a professor or associate or assistant professor, and a full or part time instructor or visiting professor, including a graduate assistant or other student who is employed on a temporary basis of less than full time as a teacher or instructor of any course or program of academic, business or vocational instruction offered by or through an institution of higher education and any teacher, instructor, or other employee of an elementary school or secondary school.

(E) Sexual Harassment in Elementary, Secondary, and Higher Education. "Sexual harassment in elementary, secondary, and higher education" means any unwelcome sexual advances or requests for sexual favors made by an elementary, secondary, or a higher education representative to a student, or any conduct of a sexual nature exhibited by an elementary, secondary, or a higher education representative toward a student, when such conduct has the purpose of substantially interfering with the student's educational performance or creating an intimidating, hostile or offensive educational environment; or when the elementary, secondary, or higher education representative either explicitly or implicitly makes the student's submission to such conduct a term or condition of, or uses the student's submission to or rejection of such conduct as a basis for determining:

- (1) Whether the student will be admitted to an institution of elementary, secondary, or higher education;
- (2) The educational performance required or expected of the student;
- (3) The attendance or assignment requirements applicable to the student;
- (4) To what courses, fields of study or programs, including honors and graduate programs, the student will be admitted;
- (5) What placement or course proficiency requirements are applicable to the student;
- (6) The quality of instruction the student will receive;
- (7) What tuition or fee requirements are applicable to the student;
- (8) What scholarship opportunities are available to the student;
- (9) What extracurricular teams the student will be a member of or in what extracurricular competitions the student will participate;
- (10) Any grade the student will receive in any examination or in any course or program of instruction in which the student is enrolled;
- (11) The progress of the student toward successful completion of or graduation from any course or program of instruction in which the student is enrolled; or
- (12) What degree, if any, the student will receive.

(Source: P.A. 83-91.)

(775 ILCS 5/5A-102) (from Ch. 68, par. 5A-102)

Sec. 5A-102. Civil Rights Violations-Elementary, Secondary, and Higher Education. It is a civil rights violation:

(A) Elementary, Secondary, or Higher Education Representative. For any elementary, secondary, or higher education representative to commit or engage in sexual harassment in elementary, secondary, and higher education.

(B) Institution of Elementary, Secondary, or Higher Education. For any institution of elementary, secondary, or higher education to fail to take remedial action, or to fail to take appropriate disciplinary

action against an elementary, secondary, or a higher education representative employed by such institution, when such institution knows that such elementary, secondary, or higher education representative was committing or engaging in or committed or engaged in sexual harassment in elementary, secondary, and higher education.

(Source: P.A. 83-91.)

(775 ILCS 5/6-101) (from Ch. 68, par. 6-101)

Sec. 6-101. Additional Civil Rights Violations. It is a civil rights violation for a person, or for two or more persons to conspire, to:

(A) Retaliation. Retaliate against a person because he or she has opposed that which he or she reasonably and in good faith believes to be unlawful discrimination, sexual harassment in employment or sexual harassment in elementary, secondary, and higher education, discrimination based on citizenship status in employment, or because he or she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this Act;

(B) Aiding and Abetting; Coercion. Aid, abet, compel or coerce a person to commit any violation of this Act;

(C) Interference. Wilfully interfere with the performance of a duty or the exercise of a power by the Commission or one of its members or representatives or the Department or one of its officers or employees.

(D) Definitions. For the purposes of this Section, "sexual harassment" and "citizenship status" shall have the same meaning as defined in Section 2-101 of this Act.

(Source: P.A. 87-579.)

(775 ILCS 5/7-106) (from Ch. 68, par. 7-106)

Sec. 7-106. Recruitment; Research; Public Communication) For the purpose of promoting equal employment and housing opportunities and eliminating unlawful discrimination, sexual harassment in employment and sexual harassment in elementary, secondary, and higher education, the Department shall have authority to:

(A) Recruitment. Cooperate with public and private organizations, as well as the Department of Central Management Services, in encouraging individuals in underrepresented classifications to seek employment in state government.

(B) Publications; Research. Issue publications, conduct research, and make surveys as it deems necessary.

(C) Public Hearings. Hold public hearings to obtain information from the general public on the effectiveness of the state's equal employment opportunity program and the protection against unlawful discrimination, sexual harassment in employment and sexual harassment in elementary, secondary, and higher education afforded by this Act and to accept public recommendations concerning changes in the program and the Act for inclusion in its annual report.

(D) Promotion of Communication and Goodwill. Establish a program to cooperate with civic, religious and educational organizations in order to improve human communication and understanding, foster equal opportunities in employment and housing, and promote and encourage communication, goodwill and interfaith and interracial harmony.

(Source: P.A. 85-1229; 86-1343.)

(775 ILCS 5/7-108) (from Ch. 68, par. 7-108)

Sec. 7-108. Local Departments, Commissions.

(A) Authority. A political subdivision, or two or more political subdivisions acting jointly, may create a local department or commission as it or they see fit to promote the purposes of this Act and to secure for all individuals within the jurisdiction of the political subdivision or subdivisions freedom from unlawful discrimination, sexual harassment in employment and sexual harassment in elementary, secondary, and higher education. The provisions of any ordinance enacted by any municipality or county which prohibits broader or different categories of discrimination than are prohibited by this Act are not invalidated or affected by this Act.

(B) Concurrent Jurisdiction. When the Department and a local department or commission have concurrent jurisdiction over a complaint, either may transfer the complaint to the other under regulations established by the Department.

(C) Exclusive Jurisdiction. When the Department or a local department or commission has jurisdiction over a complaint and the other does not, the Department or local department or commission without jurisdiction may transfer the complaint to the other under regulations established by the Department.

(D) To secure and guarantee the rights established by Sections 17, 18 and 19 of Article I of the Illinois Constitution, any ordinance, resolution, rule or regulation of any county, municipality or other unit of local



government or of any local department or commission which prohibits, restricts, narrows or limits the housing choice of any person is unenforceable and void. Nothing in this amendatory Act of 1981 prohibits a unit of local government from making special outreach efforts to inform members of minority groups of housing opportunities available in areas of majority white concentration and make similar efforts to inform the majority white population of available housing opportunities located in areas of minority concentration. This paragraph is applicable to home rule units as well as non-home rule units.

Pursuant to Article VII, Section 6, paragraph (i) of the Illinois Constitution, this amendatory Act of 1981 is a limitation of the power of home rule units.

(Source: P.A. 85-1229; 86-1343.)

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

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

HOUSE BILL 4012. Having been read by title a second time on March 2, 2004, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Transportation & Motor Vehicles, adopted and printed.

AMENDMENT NO. 1. Amend House Bill 4012 on page 4, below line 27, by inserting the following:

"Section 90. The Illinois Vehicle Code is amended by changing Section 11-605 as follows:

(625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)

Sec. 11-605. Special speed limit while passing schools or while traveling through highway construction or maintenance zones.

(a) For the purpose of this Section, "school" means the following entities:

- (1) A public or private primary or secondary school.
- (2) A primary or secondary school operated by a religious institution.
- (3) A public, private, or religious nursery school.

On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic, no person shall drive a motor vehicle at a speed in excess of 20 miles per hour while passing a school zone or while traveling on a roadway on public school property or upon any public thoroughfare where children pass going to and from school.

For the purpose of this Section a school day shall begin at seven ante meridian and shall conclude at four post meridian.

This Section shall not be applicable unless appropriate signs are posted upon streets and highways under their respective jurisdiction and maintained by the Department, township, county, park district, city, village or incorporated town wherein the school zone is located. With regard to the special speed limit while passing schools, such signs shall give proper due warning that a school zone is being approached and shall indicate the school zone and the maximum speed limit in effect during school days when school children are present.

(b) No person shall operate a motor vehicle in a construction or maintenance zone at a speed in excess of the posted speed limit when workers are present and so close to the moving traffic that a potential hazard exists because of the motorized traffic.

(c) Nothing in this Chapter shall prohibit the use of electronic speed-detecting devices within 500 feet of signs within a special school speed zone or a construction or maintenance zone indicating such zone, as defined in this Section, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone or a construction or maintenance zone.

(d) For the purpose of this Section, a construction or maintenance zone is an area in which the Department, Toll Highway Authority, or local agency has determined that the preexisting established speed limit through a highway construction or maintenance project is greater than is reasonable or safe with respect to the conditions expected to exist in the construction or maintenance zone and has posted a lower speed limit with a highway construction or maintenance zone special speed limit sign.

Highway construction or maintenance zone special speed limit signs shall be of a design approved by the Department. The signs shall give proper due warning that a construction or maintenance zone is being approached and shall indicate the maximum speed limit in effect. The signs shall also state the amount of the minimum fine for a violation when workers are present.

(d-1) A local agency may delegate to its superintendent of highways the authority to set and post a reduced speed limit for a construction or maintenance zone under subsection (b). If a superintendent of highways sets a reduced speed limit for a construction or maintenance zone in accordance with this subsection (d-1), the local agency must maintain a record that indicates (i) the location of the construction or maintenance zone, (ii) the reduced speed limit set and posted for the construction or maintenance zone, and (iii) the dates during which the reduced speed limit was in effect.

(e) A first violation of this Section is a petty offense with a minimum fine of \$150. A second or subsequent violation of this Section is a petty offense with a minimum fine of \$300.

(f) When a fine for a violation of subsection (a) is \$150 or greater, the person who violates subsection (a) shall be charged an additional \$50 to be paid to the unit school district where the violation occurred for school safety purposes. If the violation occurred in a dual school district, \$25 of the surcharge shall be paid to the elementary school district for school safety purposes and \$25 of the surcharge shall be paid to the high school district for school safety purposes. Notwithstanding any other provision of law, the entire \$50 surcharge shall be paid to the appropriate school district or districts.

For purposes of this subsection (f), "school safety purposes" includes the costs associated with school zone safety education and the purchase, installation, and maintenance of caution lights which are mounted on school speed zone signs.

(g) When a fine for a violation of subsection (b) is \$150 or greater, the person who violates subsection (b) shall be charged an additional \$50. The \$50 surcharge shall be deposited into the Transportation Safety Highway Hire-back Fund.

(h) The Transportation Safety Highway Hire-back Fund is created as a special fund in the State treasury. Subject to appropriation by the General Assembly and approval by the Secretary, the Secretary of Transportation shall use all moneys in the Transportation Safety Highway Hire-back Fund to hire off-duty Department of State Police officers to monitor construction or maintenance zones.

(Source: P.A. 91-531, eff. 1-1-00; 92-242, eff. 1-1-02; 92-619, eff. 1-1-03; 92-780, eff. 8-6-02; revised 8-22-02.)"

Representative Froehlich offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4012 on page 1, line 13, after the period, by inserting "An automated traffic control system may operate only during those periods when workers are present in the construction or maintenance zone."; and on page 2, line 34, by replacing "the owner is" with "the driver is".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 4712. Having been recalled on March 23, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Morrow offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 4712 on page 1, line 17 by inserting after "entity" the following:

"; however, a person or entity that provides an insurance card must print on the card an identification number unique to the holder of the card in the format prescribed by Section 15 of the Uniform Prescription Drug Information Card Act"; and

on page 3, line 13 by changing "2005" to "2006".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

HOUSE BILL 4505. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary II - Criminal Law, adopted and printed:

AMENDMENT NO.   1  . Amend House Bill 4505 on page 1, by replacing lines 6 through 22 with the following:

"(720 ILCS 5/24-1.7 new)

Sec. 24-1.7. Armed habitual criminal.

(a) A person commits the offense of being an armed habitual criminal if he or she receives, sells, possesses, or transfers any firearm after having been convicted a total of 2 or more times of any combination of the following offenses:

(1) a forcible felony as defined in Section 2-8 of this Code;

(2) unlawful use of a weapon by a felon; aggravated unlawful use of a weapon; aggravated discharge of a firearm; vehicular hijacking; aggravated vehicular hijacking; aggravated battery of a child; intimidation; aggravated intimidation; gunrunning; home invasion; or aggravated battery with a firearm; or

(3) any violation of the Illinois Controlled Substances Act or the Cannabis Control Act that is punishable as a Class 3 felony or higher.

(b) Sentence. Being an armed habitual criminal is a Class X felony."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 5011. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and printed:

AMENDMENT NO.   1  . Amend House Bill 5011 on page 5, by replacing lines 4 and 5 with the following:

"Commission as (i) an on premise consumption retailer, (ii) an off premise sale retailer, or (iii) a combined on premise consumption and off premise sale retailer."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 4241. Having been recalled on March 25, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Saviano offered the following amendment and moved its adoption.

AMENDMENT NO.   1  . Amend House Bill 4241 on page 2, line 12, after "feet," by deleting "or"; and

on page 2, line 15, by inserting after "footage": ", or (iv) any building that is owned or operated by a hospital or hospital affiliate as defined in the Hospital Licensing Act".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

HOUSE BILL 4154. Having been printed, was taken up and read by title a second time.

Representative Coulson offered the following amendment and moved its adoption:

AMENDMENT NO.   1  . Amend House Bill 4154 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Care of Students with Diabetes Act."

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

### HOUSE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Moffitt, HOUSE BILL 5067 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 112, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 23)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

### HOUSE BILLS ON SECOND READING

HOUSE BILL 4575. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Personnel & Pensions, adopted and printed:

AMENDMENT NO.   1  . Amend House Bill 4575 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 13-301, 13-302, 13-305, 13-306, 13-308, 13-309, 13-310, 13-311, 13-314, 13-402, 13-403, 13-502, 13-601, and 13-603 and adding Section 13-309.1 as follows:

(40 ILCS 5/13-301) (from Ch. 108 1/2, par. 13-301)

Sec. 13-301. Retirement annuity; eligibility. Any employee who withdraws from service and meets the age and service requirements and other conditions set forth in subsections (a), (b), (c) or (d) hereof is entitled to receive a retirement annuity.

(a) Withdrawal on or after age 60. Any employee, upon withdrawal from service on or after attainment of age 60 and having at least 5 years of service, is entitled to a retirement annuity.

(b) Withdrawal on or after attainment of minimum retirement qualifications and prior to age 60.

(1) Any employee, upon withdrawal from service on or after attainment of age 55 (age 50 if the employee first entered service before June 13, 1997) but prior to age 60 and having at least 10 years of service, is entitled to a retirement annuity as of the date of withdrawal or, at the option of the employee, at any time thereafter.

(2) Any employee who withdraws on or after attainment of age 55 (age 50 if the employee first entered service before June 13, 1997) and prior to age 60 having at least 5 years but less than 10 years of service is entitled to a retirement annuity upon attainment of age 62, subject to the other requirements of this Article.

(3) Any employee who withdraws from service on or after attainment of age 50 but prior to age 60 and is eligible for early retirement without discount under the Rule of 80 as provided in subsection (c) of Section 13-302 is entitled to a retirement annuity at the time of withdrawal.

(c) Withdrawal prior to minimum retirement age. Any employee, upon withdrawal from service prior to age 55 (age 50 if the employee first entered service before June 13, 1997) and having at least 10 years of service, shall become entitled to a retirement annuity upon attainment of age 55 (age 50 if the employee

first entered service before June 13, 1997) or, at the option of the employee, at any time thereafter, subject to the other requirements of this Article.

(d) Withdrawal while disabled. Any employee having at least 5 years of service who has received ordinary disability benefits on or after January 1, 1986 for the maximum period of time hereinafter prescribed, and who continues to be disabled and withdraws from service, shall be entitled to a retirement annuity. In the case of an employee who enters service after the effective date of this amendatory Act of the 93rd General Assembly, the required 5 years of service is exclusive of service credit described in Section 13-313. The age and service conditions as to eligibility for such annuity shall be waived as to the employee, but the early retirement discount under Section 13-302(b) shall apply. If the employee is under age 55 on the date of withdrawal, the retirement annuity shall be computed by assuming that the employee is then age 55 and then reduced to its actuarial equivalent at his attained age on that date according to applicable mortality tables and interest rates. The retirement annuity shall not be payable for any period prior to the employee's attainment of age 55 during which the employee is able to return to gainful employment. Upon the employee's death while in receipt of a retirement annuity, a surviving spouse or minor children shall be entitled to receive a surviving spouse's annuity or child's annuity subject to the conditions hereinafter prescribed in Sections 13-305 through 13-308.

(Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/13-302) (from Ch. 108 1/2, par. 13-302)

Sec. 13-302. Computation of retirement annuity.

(a) Computation of annuity. An employee who withdraws from service on or after July 1, 1989 and who has met the age and service requirements and other conditions for eligibility set forth in Section 13-301 of this Article is entitled to receive a retirement annuity for life equal to 2.2% of average final salary for each of the first 20 years of service, and 2.4% of average final salary for each year of service in excess of 20. The retirement annuity shall not exceed 80% of average final salary.

(b) Early retirement discount. If an employee retires prior to attainment of age 60 with less than 30 years of service, the annuity computed above shall be reduced by 1/2 of 1% for each full month between the date the annuity begins and attainment of age 60, or each full month by which the employee's service is less than 30 years, whichever is less. However, where the employee first enters service after June 13, 1997 and does not have at least 10 years of service exclusive of credit under Article 20, the annuity computed above shall be reduced by 1/2 of 1% for each full month between the date the annuity begins and attainment of age 60.

(c) Rule of 80 - Early retirement without discount. For an employee who retires on or after January 1, 2003 but on or before December 31, 2007, if the employee is eligible for a retirement annuity under Section 13-301 and has at least 10 years of service exclusive of credit under Article 20 and if at the date of withdrawal the employee's age when added to the number of years of his or her creditable service equals at least 80, the early retirement discount in subsection (b) of this Section does not apply. For purposes of this Rule of 80, portions of years shall be considered in whole months.

An employee who has terminated employment with the employer under this Article prior to the effective date of this amendatory Act of the 92nd General Assembly and subsequently re-enters service must remain in service with the employer under this Article for at least 2 years after re-entry during the period beginning on January 1, 2003 and ending on December 31, 2007 to be entitled to early retirement without discount under this subsection (c).

In the case of an employee who retires under the terms of Article 20, eligibility for early retirement without discount under this subsection (c) shall be based upon the employee's age and service credit at the time of withdrawal from the final fund.

(c-1) Early retirement without discount; retirement after June 29, 1997 and before January 1, 2003. An employee who (i) has attained age 55 (age 50 if the employee first entered service before June 13, 1997), (ii) has at least 10 years of service exclusive of credit under Article 20, (iii) retires after June 29, 1997 and before January 1, 2003, and (iv) retires within 6 months of the last day for which retirement contributions were required, may elect at the time of application to make a one-time employee contribution to the Fund and thereby avoid the early retirement reduction specified in subsection (b). The exercise of the election shall also obligate the employer to make a one-time nonrefundable contribution to the Fund.

The one-time employee and employer contributions shall be a percentage of the retiring employee's highest full-time annual salary, calculated as the total amount of salary included in the highest 26 consecutive pay periods as used in the average final salary calculation, and based on the employee's age and service at retirement. The employee rate shall be 7% multiplied by the lesser of the following 2 numbers: (1) the number of years, or portion thereof, that the employee is less than age 60; or (2) the number of years, or portion thereof, that the employee's service is less than 30 years. The employer

contribution shall be at the rate of 20% for each year, or portion thereof, that the participant is less than age 60.

Upon receipt of the application, the Board shall determine the corresponding employee and employer contributions. The annuity shall not be payable under this subsection until both the required contributions have been received by the Fund. However, the date the contributions are received shall not be considered in determining the effective date of retirement.

The number of employees who may retire under this Section in any year may be limited at the option of the District to a specified percentage of those eligible, not lower than 30%, with the right to participate to be allocated among those applying on the basis of seniority in the service of the employer.

An employee who has terminated employment and subsequently re-enters service shall not be entitled to early retirement without discount under this subsection unless the employee continues in service for at least 4 years after re-entry.

(d) Annual increase. Except for employees retiring and receiving a term annuity, an employee who retires on or after July 1, 1985 but before July 12, 2001, shall, upon the first payment date following the first anniversary of the date of retirement, have the monthly annuity increased by 3% of the amount of the monthly annuity fixed at the date of retirement. Except for employees retiring and receiving a term annuity, an employee who retires on or after July 12, 2001 shall, on the first day of the month in which the first anniversary of the date of retirement occurs, have the monthly annuity increased by 3% of the amount of the monthly annuity fixed at the date of retirement. The monthly annuity shall be increased by an additional 3% on the same date each year thereafter. Beginning January 1, 1993, all annual increases payable under this subsection (or any predecessor provision, regardless of the date of retirement) shall be calculated at the rate of 3% of the monthly annuity payable at the time of the increase, including any increases previously granted under this Article.

Any employee who (i) retired before July 1, 1985 with at least 10 years of creditable service, (ii) is receiving a retirement annuity under this Article, other than a term annuity, and (iii) has not received any annual increase under this subsection, shall begin receiving the annual increases provided under this subsection (d) beginning on the next annuity payment date following June 13, 1997.

(e) Minimum retirement annuity. Beginning January 1, 1993, the minimum monthly retirement annuity shall be \$500 for any annuitant having at least 10 years of service under this Article, other than a term annuitant or an annuitant who began receiving the annuity before attaining age 60. Any such annuitant who is receiving a monthly annuity of less than \$500 shall have the annuity increased to \$500 on that date.

Beginning January 1, 1993, the minimum monthly retirement annuity shall be \$250 for any annuitant (other than a term or reciprocal annuitant or an annuitant under subsection (d) of Section 13-301) having less than 10 years of service under this Article, and for any annuitant (other than a term annuitant) having at least 10 years of service under this Article who began receiving the annuity before attaining age 60. Any such annuitant who is receiving a monthly annuity of less than \$250 shall have the annuity increased to \$250 on that date.

~~Beginning August 1, 2001 on the first day of the month following the month in which this amendatory Act of the 92nd General Assembly takes effect (and without regard to whether the annuitant was in service on or after that effective date), the minimum monthly retirement annuity for any annuitant having at least 10 years of service, other than an annuitant whose annuity is subject to an early retirement discount, shall be \$500 plus \$25 for each year of service in excess of 10, not to exceed \$750 for an annuitant with 20 or more years of service. In the case of a reciprocal annuity, this minimum shall apply only if the annuitant has at least 10 years of service under this Article, and the amount of the minimum annuity shall be reduced by the sum of all the reciprocal annuities payable to the annuitant by other participating systems under Article 20 of this Code.~~

Notwithstanding any other provision of this subsection, beginning on the first annuity payment date following July 12, 2001, an employee who retired before August 23, 1989 with at least 10 years of service under this Article but before attaining age 60 (regardless of whether the retirement annuity was subject to an early retirement discount) shall be entitled to the same minimum monthly retirement annuity under this subsection as an employee who retired with at least 10 years of service under this Article and after attaining age 60.

Notwithstanding any other provision of this subsection, beginning on the first day of the month following the month in which this amendatory Act of the 93rd General Assembly takes effect (and without regard to whether the annuitant was in service on or after that effective date), an employee who retired on or after August 23, 1989 with at least 10 years of service under this Article but before attaining age 60 (regardless of whether the retirement annuity was subject to an early retirement discount), shall be entitled

to the same minimum monthly retirement annuity under this subsection as an employee who retired with at least 10 years of service under this Article and after attaining age 60.

(Source: P.A. 92-53, eff. 7-12-01; 92-599, eff. 6-28-02.)

(40 ILCS 5/13-305) (from Ch. 108 1/2, par. 13-305)

Sec. 13-305. Surviving spouse's annuity; eligibility. A surviving spouse who was married to an employee on the date of the employee's death while in service, or was married to an employee on the date of withdrawal from service and remained married to that employee until the employee's death, shall be entitled to a surviving spouse's annuity payable for life. However, the annuity shall not be payable to the surviving spouse of (1) an employee who withdraws from service before attaining the minimum retirement age unless the deceased employee had at least 55 with less than 10 years of service, or at least less than 5 years of service if the employee was eligible for an annuity upon attainment of age 62 pursuant to Section 13-301(b) or had been receiving a retirement annuity pursuant to Section 13-301(d), or (2) an employee not described in item (1) who first enters service on or after the effective date of this amendatory Act of 1997 and who has been employed as an employee for (i) less than 36 months from the date of the employee's original entry into service or (ii) less than 12 months from the employee's date of latest re-entry into service; except as otherwise provided in Section 13-306(a) for an employee whose death arises out of or in the course of the employee's service to the employer.

A dissolution of marriage after retirement shall not divest the employee's spouse of the entitlement to a surviving spouse's annuity upon the subsequent death of the employee, provided that the surviving spouse and the deceased employee had been married to each other for a period of not less than 10 continuous years on the date of retirement.

(Source: P.A. 90-12, eff. 6-13-97.)

(40 ILCS 5/13-306) (from Ch. 108 1/2, par. 13-306)

Sec. 13-306. Computation of surviving spouse's annuity.

(a) Computation of the annuity. The surviving spouse's annuity shall be equal to 60% of the retirement annuity earned and accrued to the credit of the deceased employee, whether death occurs while in service or after withdrawal, plus 1% for each year of total service of the employee to a maximum of 85%; provided, however, that if the employee's death arises out of and in the course of the employee's service to the employer and is compensable under either the Illinois Workers' Compensation Act or Illinois Workers' Occupational Diseases Act, the surviving spouse's annuity is payable regardless of the employee's length of service and shall be not less than 50% of the employee's salary at the date of death.

For any death in service the early retirement discount required under Section 13-302(b) shall not be applied in computing the retirement annuity upon which is based the surviving spouse's annuity.

For any death after withdrawal and prior to application for annuity benefits, the early retirement discount required under Section 13-302(b) shall be applied in computing the retirement annuity upon which the surviving spouse's annuity is based. The maximum age discount applied to the employee's retirement annuity shall not exceed 60%.

Further, the annuity for a surviving spouse of a withdrawn employee who was eligible for an annuity upon attainment of age 62 pursuant to Section 13-301(b) but who died prior to age 60 shall be based upon an employee annuity that has been reduced by 1/2% for each full month between the date the surviving spouse's annuity begins and attainment of age 60.

(b) Reciprocal service. For any employee or annuitant who retires on or after July 1, 1985 and whose death occurs after January 1, 1991, having at least 15 years of service with the employer under this Article, and who was eligible at the time of death or elected at the time of retirement to have his or her retirement annuity calculated as provided in Section 20-131 of this Code, the surviving spouse benefit shall be calculated as of the date of the employee's death as indicated in subsection (a) as a percentage of the employee's total benefit as if all service had been with the employer. That benefit shall then be reduced by the amounts payable by each of the reciprocal funds as of the date of death so that the total surviving spouse benefit at that date will be equal to the benefit which would have been payable had all service been with the employer under this Article.

(c) Discount for age differential. The annuity for a surviving spouse shall be discounted by 0.25% for each full month that the spouse is younger than the employee as of the date of withdrawal from service or death in service to a maximum discount of 60% of the surviving spouse annuity as calculated under subsections (a), (b), and (e) of this Section. The discount shall be reduced by 10% for each full year the marriage has been in continuous effect as of the date of withdrawal or death in service. There shall be no discount if the marriage has been in continuous effect for 10 full years or more at the time of withdrawal or death in service.

(d) Annual increase. Effective August 23, 1989, on the first day of each calendar month in which there occurs an anniversary of the employee's date of retirement or date of death, whichever occurred first, the surviving spouse's annuity, other than a term annuity under Section 13-307, shall be increased by an amount equal to 3% of the amount of the annuity. Beginning January 1, 1993, all annual increases payable under this subsection (or any predecessor provision of this Article) shall be calculated at the rate of 3% of the monthly annuity payable at the time of the increase, including any increases previously granted under this Article.

Beginning January 1, 1993, surviving spouse annuitants whose deceased spouse died, retired or withdrew from service before August 23, 1989 with at least 10 years of service under this Article shall be eligible for the annual increases provided under this subsection.

(e) Minimum surviving spouse's annuity.

(1) Beginning January 1, 1993, the minimum monthly surviving spouse's annuity shall be \$500 for any annuitant whose deceased spouse had at least 10 years of service under this Article, other than a surviving spouse who is a term annuitant or whose deceased spouse began receiving a retirement annuity under this Article before attainment of age 60. Any such surviving spouse annuitant who is receiving a monthly annuity of less than \$500 shall have the annuity increased to \$500 on that date.

Beginning January 1, 1993, the minimum monthly surviving spouse's annuity shall be \$250 for any annuitant (other than a term or reciprocal annuitant or an annuitant survivor under subsection (d) of Section 13-301) whose deceased spouse had less than 10 years of service under this Article, and for any annuitant (other than a term annuitant) whose deceased spouse had at least 10 years of service under this Article and began receiving a retirement annuity under this Article before attainment of age 60. Any such surviving spouse annuitant who is receiving a monthly annuity of less than \$250 shall have the annuity increased to \$250 on that date.

(2) Beginning August 1, 2001 ~~on the first day of the month following the month in which this amendatory Act of the 92nd General Assembly takes effect~~ (and without regard to whether the deceased spouse was in service on or

after that ~~effective~~ date), the minimum monthly surviving spouse's annuity for any annuitant whose deceased spouse had at least 10 years of service shall be the greater of the following:

(A) An amount equal to \$500, plus \$25 for each year of the deceased spouse's service in excess of 10, not to exceed \$750 for an annuitant whose deceased spouse had 20 or more years of service. This subdivision (A) is not applicable if the deceased spouse received a retirement annuity that was subject to an early retirement discount.

(B) An amount equal to (i) 50% of the retirement annuity earned and accrued to the credit of the deceased spouse at the time of death, plus (ii) the amount of any annual increases applicable to the surviving spouse's annuity (including the amount of any reversionary annuity) under subsection (d) before July 12, 2001 ~~the effective date of this amendatory Act of the 92nd General Assembly~~. In any case in which a refund of excess contributions for the surviving spouse annuity has been paid by the Fund and the surviving spouse annuity is increased due to the application of this subdivision (B), the amount of that refund shall be recovered by the Fund as an offset against the amount of the increase in annuity arising from the application of this subdivision (B).

In the case of a reciprocal annuity, the minimum annuity calculated under this subdivision (e)(2) shall apply only if the deceased spouse of the annuitant had at least 10 years of service under this Article, and the amount of the minimum annuity shall be reduced by the sum of all the reciprocal annuities payable to the annuitant by other participating systems under Article 20 of this Code.

The minimum annuity calculated under this subdivision (e)(2) is in addition to the amount of any reversionary annuity that may be payable.

(3) Beginning August 1, 2001 ~~on the first day of the month following the month in which this amendatory Act of the 92nd General Assembly takes effect~~ (and without regard to whether the deceased spouse was in service on or

after that ~~effective~~ date), any surviving spouse who is receiving a term annuity under Section 13-307 or any predecessor provision of this Article may have that term annuity recalculated and converted to a minimum surviving spouse annuity under this subsection (e).

(4) Notwithstanding any other provision of this subsection, beginning August 1, 2001 ~~on the first annuity payment date following the effective date of this amendatory Act of the 92nd General Assembly~~, an annuitant

whose deceased spouse retired before August 23, 1989 with at least 10 years of service under this Article



but before attaining age 60 (regardless of whether the retirement annuity was subject to an early retirement discount) shall be entitled to the same minimum monthly surviving spouse's annuity under this subsection as an annuitant whose deceased spouse retired with at least 10 years of service under this Article and after attaining age 60. Further notwithstanding any other provision of this subsection, beginning on the first day of the month following the month in which this amendatory Act of the 93rd General Assembly takes effect, an annuitant whose deceased spouse retired on or after August 23, 1989 with at least 10 years of service under this Article but before attaining age 60 (regardless of whether the retirement annuity was subject to an early retirement discount) shall be entitled to the same minimum monthly surviving spouse's annuity under this subsection as an annuitant whose deceased spouse retired with at least 10 years of service under this Article and after attaining age 60.

(5) The minimum annuity provided under this subsection (e) shall be subject to the age discount provided under subsection (c) of this Section.

(Source: P.A. 92-53, eff. 7-12-01.)

(40 ILCS 5/13-308) (from Ch. 108 1/2, par. 13-308)

Sec. 13-308. Child's annuity.

(a) Eligibility. A child's annuity shall be provided for each unmarried child under the age of 18 years (under the age of 23 years in the case of a full-time student) whose employee parent dies while in service, or whose deceased parent is an annuitant or former employee with at least 10 years of creditable service who did not take a refund of employee contributions. Eligibility for benefits to unmarried children over the age of 18 but under the age of 23 begins no earlier than the first day of the month following the month in which this amendatory Act of the 93rd General Assembly takes effect.

For purposes of this Section, "employee" includes a former employee, and "child" means the issue of an employee, or a child adopted by an employee if the proceedings for adoption were instituted at least one year prior to the employee's death.

Payments shall cease when a child attains the age of 18 years (age of 23 years in the case of a full-time student) or marries, whichever first occurs. The annuity shall not be payable unless the employee has been employed as an employee for at least 36 months from the date of the employee's original entry into service (at least 24 months in the case of an employee who first entered service before June 13, the effective date of this amendatory Act of 1997) and at least 12 months from the date of the employee's latest re-entry into service; provided, however, that if death arises out of and in the course of service to the employer and is compensable under either the Illinois Workers' Compensation Act or Illinois Workers' Occupational Diseases Act, the annuity is payable regardless of the employee's length of service.

(b) Amount. A child's annuity shall be \$500 per month for one child and \$350 per month for each additional child, up to a maximum of \$2,500 per month for all children of the employee, as provided in this Section, if a parent of the child is living. The child's annuity shall be \$1,000 per month for one child and \$500 per month for each additional child, up to a maximum of \$2,500 for all children of the employee, when neither parent is alive. The total amount payable to all children of the employee shall be divided equally among those children. Any child's annuity which commenced prior to July 12, 2001 the effective date of this amendatory Act of the 92nd General Assembly shall be increased upon the first day of the month following the month in which that effective date occurs, to the amount set forth herein.

(c) Payment. Until a child attains the age of 18 years, a ~~A~~ child's annuity shall be paid to the child's parent or other person who shall be providing for the child without requiring formal letters of guardianship, unless another person shall be appointed by a court of law as guardian.

(Source: P.A. 92-53, eff. 7-12-01.)

(40 ILCS 5/13-309) (from Ch. 108 1/2, par. 13-309)

Sec. 13-309. Duty disability benefit.

(a) Any employee who becomes disabled, which disability is the result of an injury or illness compensable under the Illinois Workers' Compensation Act or the Illinois Workers' Occupational Diseases Act, is entitled to a duty disability benefit during the period of disability for which the employee does not receive any part of salary, or any part of a retirement annuity under this Article; except that in the case of an employee who first enters service on or after June 13, the effective date of this amendatory Act of 1997 and becomes disabled before the effective date of this amendatory Act of the 93rd General Assembly, a duty disability benefit is not payable for the first 3 days of disability that would otherwise be payable under this Section if the disability does not continue for at least 11 additional days. The changes made to this Section by this amendatory Act of the 93rd General Assembly are prospective only and do not entitle an employee to a duty disability benefit for the first 3 days of any disability that occurred before that effective date and did not continue for at least 11 days. This benefit shall be 75% of salary at the date disability

begins. However, if the disability in any measure resulted from any physical defect or disease which existed at the time such injury was sustained or such illness commenced, the duty disability benefit shall be 50% of salary.

Unless the employer acknowledges that the disability is a result of injury or illness compensable under the Workers' Compensation Act or the Workers' Occupational Diseases Act, the duty disability benefit shall not be payable until the issue of compensability under those Acts is finally adjudicated. The period of disability shall be as determined by the Illinois Industrial Commission or acknowledged by the employer.

The first payment shall be made not later than one month after the benefit is granted, and subsequent payments shall be made at least monthly. The Board shall by rule prescribe for the payment of such benefits on the basis of the amount of salary lost during the period of disability.

(b) The benefit shall be allowed only if the following requirements are met by the employee:

- (1) Application is made to the Board within 90 days from the date disability begins;
- (2) A medical report is submitted by at least one licensed and practicing physician as part of the employee's application; and

(3) The employee is examined by at least one licensed and practicing physician appointed by the Board and found to be in a disabled physical condition, and shall be re-examined at least annually thereafter during the continuance of disability. The employee need not be re-examined by a licensed and practicing physician if the attorney for the district certifies in writing that the employee is entitled to receive compensation under the Workers' Compensation Act or the Workers' Occupational Diseases Act.

(c) The benefit shall terminate when:

- (1) The employee returns to work or receives a retirement annuity paid wholly or in part under this Article;
- (2) The disability ceases;
- (3) The employee attains age 65, but if the employee becomes disabled at age 60 or later, benefits may be extended for a period of no more than 5 years after disablement;
- (4) The employee (i) refuses to submit to reasonable examinations by physicians or other health professionals appointed by the Board, (ii) fails or refuses to consent to and sign an authorization allowing the Board to receive copies of or to examine the employee's medical and hospital records, or (iii) fails or refuses to provide complete information regarding any other employment for compensation he or she has received since becoming disabled; or
- (5) The employee willfully and continuously refuses to follow medical advice and treatment to enable the employee to return to work. However this provision does not apply to an employee who relies in good faith on treatment by prayer through spiritual means alone in accordance with the tenets and practice of a recognized church or religious denomination, by a duly accredited practitioner thereof.

In the case of a duty disability recipient who returns to work, the employee must make application to the Retirement Board within 2 years from the date the employee last received duty disability benefits in order to become again entitled to duty disability benefits based on the injury for which a duty disability benefit was theretofore paid.

In the event that an interim disability benefit has been received, the benefit paid under this Section shall be subject to adjustment by the Board under Section 13-309.1.

(Source: P.A. 90-12, eff. 6-13-97; 91-887, eff. 7-6-00.)

(40 ILCS 5/13-309.1 new)

Sec. 13-309.1. Interim disability benefit.

(a) An employee who claims to be physically incapacitated to perform the duties of his or her position shall receive an interim disability benefit, provided that:

(1) the employer, being a separate entity from the Retirement System governed by this Article, (i) has formally denied all employer-paid temporary total disability benefits under the Workers' Compensation Act or the Workers' Occupational Diseases Act and an appeal of that denial is pending before the Industrial Commission of Illinois, or (ii) has granted and then terminated for any reason an employer-paid temporary total disability benefit and the employee has filed a petition for emergency hearing under Section 19(b-1) of the Workers' Compensation Act or Section 19(b-1) of the Workers' Occupational Diseases Act; and

(2) application is made not later than (i) 3 months after the date that the disability results in loss of pay, (ii) 3 months after the date the employer has formally denied or terminated the employer-paid temporary total disability benefit, or (iii) in the case of termination of an employer-paid temporary total disability benefit, 3 months after the effective date of this amendatory Act of the 93rd General Assembly,

whichever occurs last; and

(3) proper proof is received from one or more physicians certifying that the employee is physically incapacitated.

(b) In the case of a denial of benefits, the interim disability benefit shall begin to accrue on the 1st day of absence from work on account of disability, but the benefit shall not become actually payable to the employee until the payroll following the Board meeting at which the benefit is granted. The employee must provide proof of filing a pending appeal of that denial before the Industrial Commission of Illinois.

In the case of termination of an employer-paid temporary total disability benefit, the interim disability benefit under this Section shall be calculated from the day following the date of termination of the employer-paid benefit, but shall not become payable to the employee until the payroll following the Board meeting at which the benefit is granted. The employee must provide proof of filing a petition for emergency hearing under Section 19(b-1) of the Workers' Compensation Act or Section 19(b-1) of the Workers' Occupational Diseases Act.

Only one interim benefit under this subsection may be awarded per injury. If a terminated employer-paid temporary total disability benefit is resumed or replaced with another employer-paid disability benefit and the resumed or replacement benefit is later terminated and the employee again files a petition for emergency hearing under Section 19(b-1) of the Workers' Compensation Act or Section 19(b-1) of the Workers' Occupational Diseases Act, the employee may again become eligible to receive an interim disability benefit under this Section.

The benefit is not payable for any disability which begins during any period of unpaid leave of absence. No benefit shall be allowed for any period of disability prior to 30 days before application is made, unless the Board finds good cause for the delay in filing the application. The benefit shall not be paid during any period for which the employee receives or is entitled to receive any part of salary.

The benefit shall continue to accrue for no more than 3 months or until the first of the following events occurs:

(1) the disability ceases;

(2) the employee engages in gainful employment or receives a retirement annuity paid wholly or in part under this Article;

(3) a payment is made on the employee's claim pursuant to a determination made by the employer under the Workers' Compensation Act or the Workers' Occupational Diseases Act;

(4) a final determination is made on the employee's claim by the Industrial Commission of Illinois.

(5) the date on which the aggregate period for which interim disability payments added to the period for which ordinary disability benefits have been made becomes equal to 25% of the employee's total period of creditable service, not including the time for which he or she has received an interim disability benefit or ordinary disability benefit, and with a cumulative maximum of 5 years for ordinary disability and interim disability benefits combined for purposes of this item (5) only;

(6) the employee (i) refuses to submit to reasonable examinations by physicians or other health professionals appointed by the Board, or (ii) fails or refuses to consent to and sign an authorization allowing the Board to receive copies of or to examine the employee's medical and hospital records, or (iii) fails or refuses to provide complete information regarding any other employment for compensation he or she has received since becoming disabled, or (iv) willfully and continuously refuses to follow medical advice and treatment to enable the employee to return to work.

(c) The interim disability benefit shall be 50% of the employee's salary at the date of disability.

(d) The interim disability benefit provided under this Section is intended as a temporary payment of duty disability or ordinary disability benefit, whichever is appropriate, in cases in which the character of the disability as either a duty disability or an ordinary disability has not been finally determined.

When an employer-paid disability benefit is paid or resumed, the Board shall calculate the benefit that is payable under Section 13-309 and shall deduct from the benefit payable under Section 13-309 the amounts already paid under this Section; those amounts shall then be treated as if they had been paid under Section 13-309.

When a final determination of the character of the disability has been made by the Industrial Commission of Illinois, or by settlement between the parties to the disputed claim, the Board shall calculate the benefit that is payable under Section 13-309 or 13-310, whichever is applicable, and shall deduct from such benefit the amounts already paid under this Section; such amounts shall then be treated as if they had been paid under Section 13-309 or 13-310.

(e) Any excess benefits paid under this Section shall be subject to direct and immediate recovery by the Fund from benefits payable under the Workers' Compensation Act or the Workers' Occupational Diseases

Act or from third parties as provided in Section 13-311, or from any other benefits payable either to the member or on his behalf under this Article. A member who accepts benefits under this Section acknowledges and authorizes these recovery rights of the System. In the event that this Retirement System does not receive immediate recovery according to this subsection (e), the employee must pay to the Fund the excess benefit amount, plus interest at the annual rate from time to time determined by the Board, compounded annually from the date the benefit was paid to the employee by the third party to the date of payment to this Retirement System by the employee.

(f) The Board shall prescribe rules governing the filing of claims for interim disability benefits, and the investigation, control and supervision of those claims.

(g) References in this Section to employer-paid benefits include benefits paid for by the Employer, either directly or through a program of insurance or self-insurance; but the term does not include benefits paid by the Fund under this Article.

(40 ILCS 5/13-310) (from Ch. 108 1/2, par. 13-310)

Sec. 13-310. Ordinary disability benefit.

(a) Any employee who becomes disabled as the result of any cause other than injury or illness incurred in the performance of duty for the employer or any other employer, or while engaged in self-employment activities, shall be entitled to an ordinary disability benefit. The eligible period for this benefit shall be 25% of the employee's total actual service prior to the date of disability with a cumulative maximum period of 5 years.

(b) The benefit shall be allowed only if the employee files an application in writing with the Board, and a medical report is submitted by at least one licensed and practicing physician as part of the employee's application.

The benefit is not payable for any disability which begins during any period of unpaid leave of absence. No benefit shall be allowed for any period of disability prior to 30 days before application is made, unless the Board finds good cause for the delay in filing the application. The benefit shall not be paid during any period for which the employee receives or is entitled to receive any part of salary.

The benefit is not payable for any disability which begins during any period of absence from duty other than allowable vacation time in any calendar year. An employee whose disability begins during any such ineligible period of absence from service may not receive benefits until the employee recovers from the disability and is in service for at least 15 consecutive working days after such recovery.

In the case of an employee who first enters service on or after June 13, the effective date of this amendatory Act of 1997, an ordinary disability benefit is not payable for the first 3 days of disability that would otherwise be payable under this Section if the disability does not continue for at least 11 additional days.

Beginning on the effective date of this amendatory Act of the 93rd General Assembly, an employee who first entered service on or after June 13, 1997 is also eligible for ordinary disability benefits on the 31st day after the last day worked, provided all sick leave is exhausted.

(c) The benefit shall be 50% of the employee's salary at the date of disability, and shall terminate when the earliest of the following occurs:

(1) The employee returns to work or receives a retirement annuity paid wholly or in part under this Article;

(2) The disability ceases;

(3) The employee willfully and continuously refuses to follow medical advice and treatment to enable the employee to return to work. However this provision does not apply to an employee who relies in good faith on treatment by prayer through spiritual means alone in accordance with the tenets and practice of a recognized church or religious denomination, by a duly accredited practitioner thereof;

(4) The employee (i) refuses to submit to a reasonable physical examination within 30 days of application by a physician appointed by the Board, (ii) in the case of chronic alcoholism, the employee refuses to join a rehabilitation program licensed by the Department of Public Health of the State of Illinois and certified by the Joint Commission on the Accreditation of Hospitals, (iii) fails or refuses to consent to and sign an authorization allowing the Board to receive copies of or to examine the employee's medical and hospital records, or (iv) fails or refuses to provide complete information regarding any other employment for compensation he or she has received since becoming disabled; or

(5) The eligible period for this benefit has been exhausted.

The first payment of the benefit shall be made not later than one month after the same has been granted, and subsequent payments shall be made at intervals of not more than 30 days.

(d) In the event that an interim disability benefit has been received, the benefit paid under this Section shall be subject to adjustment by the Board under Section 13-309.1.

(Source: P.A. 90-12, eff. 6-13-97; 91-887, eff. 7-6-00.)

(40 ILCS 5/13-311) (from Ch. 108 1/2, par. 13-311)

Sec. 13-311. Credit for Workers' Compensation payments. If an employee, or an employee's spouse or children, receives compensation under any workers' compensation or occupational diseases law, the benefit payable under this Article shall be reduced by the amount of the compensation so received if the amount is less than the annuity or benefit. If the compensation exceeds the annuity or benefit, no payment of annuity or benefit shall be made until the period of time has elapsed when the annuity or benefit payable at the rates provided in this Article equals the amount of such compensation. However, the commutation of compensation to a lump sum basis as provided in the workers' compensation or occupational diseases law shall not increase the annuity or benefit provided under this Article; the annuity or benefit to be paid hereunder shall be based on the amount of compensation awarded under such laws prior to commutation of such compensation. No interest shall be considered in these calculations, except for benefits paid under Section 13-309.1.

(Source: P.A. 91-887, eff. 7-6-00.)

(40 ILCS 5/13-314) (from Ch. 108 1/2, par. 13-314)

Sec. 13-314. Alternative provisions for Water Reclamation District commissioners.

(a) Transfer of credits. Any Water Reclamation District commissioner elected by vote of the people and who has elected to participate in this Fund may transfer to this Fund credits and creditable service accumulated under any other pension fund or retirement system established under Articles 2 through 18 of this Code, upon payment to the Fund of (1) the amount by which the employer and employee contributions that would have been required if he had participated in this Fund during the period for which credit is being transferred, plus interest, exceeds the amounts actually transferred from such other fund or system to this Fund, plus (2) interest thereon at 6% per year compounded annually from the date of transfer to the date of payment.

(b) Alternative annuity. Any participant commissioner may elect to establish alternative credits for an alternative annuity by electing in writing to make additional optional contributions in accordance with this Section and procedures established by the Board. Unless and until such time as the U.S. Internal Revenue Service or the federal courts provide a favorable ruling as described in Section 13-502(f), a such commissioner may discontinue making the additional optional contributions by notifying the Fund in writing in accordance with this Section and procedures established by the Board.

Additional optional contributions for the alternative annuity shall be as follows:

(1) For service after the option is elected, an additional contribution of 3% of salary shall be contributed to the Fund on the same basis and under the same conditions as contributions required under Section 13-502.

(2) For contributions on past service, the additional contribution shall be 3% of the salary for the applicable period of service, plus interest at the annual rate from time to time as determined by the Board, compounded annually from the date of service to the date of payment. Contributions for service before the option is elected may be made in a lump sum payment to the Fund or by contributing to the Fund on the same basis and under the same conditions as contributions required under Section 13-502. All payments for past service must be paid in full before credit is given. No additional optional contributions may be made for any period of service for which credit has been previously forfeited by acceptance of a refund, unless the refund is repaid in full with interest at the rate specified in Section 13-603, from the date of refund to the date of repayment.

In lieu of the retirement annuity otherwise payable under this Article, any commissioner who has elected to participate in the Fund and make additional optional contributions in accordance with this Section, has attained age 55, and has at least 6 years of service credit, may elect to have the retirement annuity computed as follows: 3% of the participant's average final salary as a commissioner for each of the first 8 years of service credit, plus 4% of such salary for each of the next 4 years of service credit, plus 5% of such salary for each year of service credit in excess of 12 years, subject to a maximum of 80% of such salary. To the extent such commissioner has made additional optional contributions with respect to only a portion of years of service credit, the retirement annuity will first be determined in accordance with this Section to the extent such additional optional contributions were made, and then in accordance with the remaining Sections of this Article to the extent of years of service credit with respect to which additional optional contributions were not made. The change in minimum retirement age (from 60 to 55) made by this amendatory Act of 1993 applies to persons who begin receiving a retirement annuity under this Section on

or after the effective date of this amendatory Act, without regard to whether they are in service on or after that date.

(c) Disability benefits. In lieu of the disability benefits otherwise payable under this Article, any commissioner who (1) has elected to participate in the Fund, and (2) has become permanently disabled and as a consequence is unable to perform the duties of office, and (3) was making optional contributions in accordance with this Section at the time the disability was incurred, may elect to receive a disability annuity calculated in accordance with the formula in subsection (b). For the purposes of this subsection, such commissioner shall be considered permanently disabled only if: (i) disability occurs while in service as a commissioner and is of such a nature as to prevent the reasonable performance of the duties of office at the time; and (ii) the Board has received a written certification by at least 2 licensed physicians appointed by it stating that such commissioner is disabled and that the disability is likely to be permanent.

(d) Alternative survivor's benefits. In lieu of the survivor's benefits otherwise payable under this Article, the spouse or eligible child of any deceased commissioner who (1) had elected to participate in the Fund, and (2) was either making additional optional contributions on the date of death, or was receiving an annuity calculated under this Section at the time of death, may elect to receive an annuity beginning on the date of the commissioner's death, provided that the spouse and commissioner must have been married on the date of the last termination of a service as commissioner and for a continuous period of at least one year immediately preceding death.

The annuity shall be payable beginning on the date of the commissioner's death if the spouse is then age 50 or over, or beginning at age 50 if the age of the spouse is less than 50 years. If a minor unmarried child or children of the commissioner, under age 18, also survive, and the child or children are under the care of the eligible spouse, the annuity shall begin as of the date of death of the commissioner without regard to the spouse's age.

The annuity to a spouse shall be  $66 \frac{2}{3}\%$  of the amount of retirement annuity earned by the commissioner on the date of death, subject to a minimum payment of 10% of salary, provided that if an eligible spouse, regardless of age, has in his or her care at the date of death of the commissioner any unmarried child or children of the commissioner under age 18, the minimum annuity shall be 30% of the commissioner's salary, plus 10% of salary on account of each minor child of the commissioner, subject to a combined total payment on account of a spouse and minor children not to exceed 50% of the deceased commissioner's salary. In the event there shall be no spouse of the commissioner surviving, or should a spouse die while eligible minor children still survive the commissioner, each such child shall be entitled to an annuity equal to 20% of salary of the commissioner subject to a combined total payment on account of all such children not to exceed 50% of salary of the commissioner. The salary to be used in the calculation of these benefits shall be the same as that prescribed for determining a retirement annuity as provided in subsection (b) of this Section.

Upon the death of a commissioner occurring after termination of a service or while in receipt of a retirement annuity, the combined total payment to a spouse and minor children, or to minor children alone if no eligible spouse survives, shall be limited to 75% of the amount of retirement annuity earned by the commissioner.

Adopted children shall have status as natural children of the commissioner only if the proceedings for adoption were commenced at least one year prior to the date of the commissioner's death.

Marriage of a child or attainment of age 18, whichever first occurs, shall render the child ineligible for further consideration in the payment of annuity to a spouse or in the increase in the amount thereof. Upon attainment of ineligibility of the youngest minor child of the commissioner, the annuity shall immediately revert to the amount payable upon death of a commissioner leaving no minor children surviving. If the spouse is under age 50 at such time, the annuity as revised shall be deferred until such age is attained.

(e) Refunds. Refunds of additional optional contributions shall be made on the same basis and under the same conditions as provided under Section 13-601. Interest shall be credited on the same basis and under the same conditions as for other contributions.

Optional contributions shall be accounted for in a separate Commission's Optional Contribution Reserve. Optional contributions under this Section shall be included in the amount of employee contributions used to compute the tax levy under Section 13-503.

(f) Effective date. The effective date of this plan of optional alternative benefits and contributions shall be the date upon which approval was received from the U.S. Internal Revenue Service. The plan of optional alternative benefits and contributions shall not be available to any former employee receiving an annuity from the Fund on the effective date, unless said former employee re-enters service and renders at least 3 years of additional service after the date of re-entry as a commissioner.

(Source: P.A. 90-12, eff. 6-13-97; 91-887, eff. 7-6-00.)

(40 ILCS 5/13-402) (from Ch. 108 1/2, par. 13-402)

Sec. 13-402. Length of service. For the purpose of computing the length of service for the retirement annuity, surviving spouse's annuity, and child's annuity, and calculating the minimum service requirement for payment of military service under subsection (b) of Section 13-403, service of 120 days in any one calendar year shall constitute one year of service and service for any fractional part thereof shall constitute an equal fractional part of one year of service unless specifically provided otherwise. For all other purposes under this Article, including but not limited to the optional plans of additional benefits and contributions provided under Sections 13-304, 13-304.1, and 13-314 of this Article, 26 pay periods of service during any 12 consecutive months shall constitute a year of service, and service rendered for 50% or more of a single pay period shall constitute service for the full pay period. Service of less than 50% of a single pay period shall not be counted.

(Source: P.A. 93-334, eff. 7-24-03.)

(40 ILCS 5/13-403) (from Ch. 108 1/2, par. 13-403)

Sec. 13-403. Military service.

(a) Any employee who, after commencement of service with the Employer, enlisted, was inducted or was otherwise ordered to serve in the military forces of the United States pursuant to any law, shall receive full service credit for the various purposes of this Article as though the employee were in the active service of the Employer during the period of military service provided that:

(1) ~~beginning July 1, 1963~~, such service credit shall be granted ~~only~~ for military service for which the employee volunteers or

is inducted or called into military service pursuant to a call of a duly constituted authority or a law of the United States declaring a national emergency;

(2) the employee returns to the employ of the Employer within 90 days after the termination of the national emergency; and

(3) the total service credit for such military service shall not exceed 5 years except that any employee who on July 1, 1963 had accrued more than 5 years of such credit shall be entitled to the total amount thereof.

(b) For a ten-year period following the effective date of this amendatory Act of the 93rd General Assembly, a contributing employee or commissioner meeting the minimum service requirements provided under this subsection may establish additional service credit for a period of up to 2 years of active military service in the United States Armed Forces for which he or she does not qualify for credit under subsection (a), provided that (1) the person was not dishonorably discharged from the military service, and (2) the amount of service credit established by the person under this subsection (b), when added to the amount of any military service credit granted to the person under subsection (a), shall not exceed 5 years.

The minimum service requirement for a contributing employee is 10 years of service credit as provided in Sections 13-401 and 13-402 of this Article and exclusive of Article 20. The minimum service requirement for a contributing commissioner is 5 years of service credit as provided in Sections 13-401 and 13-402 of this Article and exclusive of Article 20.

In order to establish military service credit under this subsection (b), the applicant must submit a written application to the Fund, including the applicant's discharge papers from military service, and pay to the Fund (i) employee contributions at the rates provided in this Article, based upon the person's salary on the last date as a participating employee prior to the military service or on the first date as a participating employee after the military service, whichever is greater, plus (ii) the current amount determined by the board to be equal to the employer's normal cost of the benefits accrued for such military service, plus (iii) regular interest of 3% compounded annually on items (i) and (ii) from the date of entry or re-entry as a participating employee following the military service to the date of payment. Contributions must be paid in full before the credit is granted. Credit established under this subsection may be used for pension purposes only.

Notwithstanding any other provision of this Section, a person may not establish creditable service under this Section for any period for which the person receives credit under any other public employee retirement system, unless the credit under that other retirement system has been irrevocably relinquished.

(Source: P.A. 93-334, eff. 7-24-03.)

(40 ILCS 5/13-502) (from Ch. 108 1/2, par. 13-502)

Sec. 13-502. Employee contributions; deductions from salary.

(a) Retirement annuity and child's annuity. There shall be deducted from each payment of salary an amount equal to 7 1/2% of salary as the employee's contribution for the retirement annuity, including

annual increases therefore and child's annuity.

(b) Surviving spouse's annuity. There shall be deducted from each payment of salary an amount equal to 1 1/2% of salary as the employee's contribution for the surviving spouse's annuity and annual increases therefor.

(c) Pickup of employee contributions. The Employer may pick up employee contributions required under subsections (a) and (b) of this Section. If contributions are picked up they shall be treated as Employer contributions in determining tax treatment under the United States Internal Revenue Code, and shall not be included as gross income of the employee until such time as they are distributed. The Employer shall pay these employee contributions from the same source of funds used in paying salary to the employee. The Employer may pick up these contributions by a reduction in the cash salary of the employee or by an offset against a future salary increase or by a combination of a reduction in salary and offset against a future salary increase. If employee contributions are picked up they shall be treated for all purposes of this Article 13, including Sections 13-503 and 13-601, in the same manner and to the same extent as employee contributions made prior to the date picked up.

(d) Subject to the requirements of federal law, the Employer shall pick up optional contributions that the employee has elected to pay to the Fund under Section 13-304.1, and the contributions so picked up shall be treated as employer contributions for the purposes of determining federal tax treatment. The Employer shall pick up the contributions by a reduction in the cash salary of the employee and shall pay the contributions from the same fund that is used to pay earnings to the employee. The Employer shall, however, continue to withhold federal and State income taxes based upon contributions made under Section 13-304.1 until the Internal Revenue Service or the federal courts rule that pursuant to Section 414(h) of the U.S. Internal Revenue Code of 1986, as amended, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available.

(e) Each employee is deemed to consent and agree to the deductions from compensation provided for in this Article.

(f) Subject to the requirements of federal law, the Employer shall pick up contributions that a commissioner has elected to pay to the Fund under Section 13-314, and the contributions so picked up shall be treated as employer contributions for the purposes of determining federal tax treatment. The Employer shall pick up the contributions by a reduction in the cash salary of the commissioner and shall pay the contributions from the same fund as is used to pay earnings to the commissioner. The Employer shall, however, continue to withhold federal and State income taxes based upon contributions made under Section 13-314 until the U.S. Internal Revenue Service or the federal courts rule that pursuant to Section 414(h) of the Internal Revenue Code of 1986, as amended, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available.

(Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/13-601) (from Ch. 108 1/2, par. 13-601)

Sec. 13-601. Refunds.

(a) Withdrawal from service. Upon withdrawal from service, an employee under age 55 (age 50 if the employee first entered service before June 13, 1997), or an employee age 55 (age 50 if the employee first entered service before June 13, 1997) or over but less than 60 having less than 20 years of service, or an employee age 60 or over having less than 5 years of service shall be entitled, upon application, to a refund of total contributions from salary deductions or amounts otherwise paid under this Article by the employee. The refund shall not include interest credited to the contributions. The Board may, in its discretion, withhold payment of a refund for a period not to exceed one year from the date of filing an application for refund.

(b) Surviving spouse's annuity contributions. A refund of all amounts deducted from salary or otherwise contributed by an employee for the surviving spouse's annuity shall be paid upon retirement to any employee who on the date of retirement is either not married or is married but whose spouse is not eligible for a surviving spouse's annuity paid wholly or in part under this Article. The refund shall include interest on each contribution at the rate of 3% per annum compounded annually from the date of the contribution to the date of the refund.

(c) When paid to children, estate or beneficiary. Whenever the total accumulations, to the account of an employee from employee contributions, including interest, have not been paid to the employee and surviving spouse as a retirement or spouse's annuity before the death of the survivor of the employee and spouse, a refund shall be paid as follows: an amount equal to the excess of such amounts over the amounts paid on such annuities without interest on either such amount, shall be paid to the children of the employee, in equal parts to each, unless the employee has directed in writing, signed by him before an officer



authorized to administer oaths, and filed with the Board before the employee's death, that any such amount shall be refunded and paid to any one or more of such children; and if there are not children, such other beneficiary or beneficiaries as might be designated by the employee. If there are no such children or designation of beneficiary, the refund shall be paid to the personal representative of the employee's estate.

If a personal representative of the estate has not been appointed within 90 days from the date on which a refund became payable, the refund may be applied, in the discretion of the Board, toward the payment of the employee's or the surviving spouse's burial expenses. Any remaining balance shall be paid to the heirs of the employee according to the law of descent and distribution of the State of Illinois.

If a reversionary annuity becomes payable under Section 13-303, the refund provided in this section shall not be paid until the death of the reversionary annuitant and the refund otherwise payable under this section shall be then further reduced by the amount of the reversionary annuity paid.

(d) In lieu of annuity. Notwithstanding the provisions set forth in subsection (a) of this section, whenever an employee's or surviving spouse's annuity will be less than \$200 per month, the employee or surviving spouse, as the case may be, may elect to receive a refund of accumulated employee contributions; provided, however, that if the election is made by a surviving spouse the refund shall be reduced by any amounts theretofore paid to the employee in the form of an annuity.

(e) Forfeiture of rights. An employee or surviving spouse who receives a refund forfeits the right to receive an annuity or any other benefit payable under this Article except that if the refund is to a surviving spouse, any child or children of the employee shall not be deprived of the right to receive a child's annuity as provided in Section 13-308 of this Article, and the payment of a child's annuity shall not reduce the amount refundable to the surviving spouse.

(Source: P.A. 87-794; 87-1265.)

(40 ILCS 5/13-603) (from Ch. 108 1/2, par. 13-603)

Sec. 13-603. Restoration of rights. If an employee who has received a refund subsequently re-enters the service and renders one year of contributing service from the date of such re-entry, the employee shall be entitled to have restored all accumulation and service credits previously forfeited by making a repayment of the refund, including interest from the date of the refund to the date of repayment at a rate equal to the higher of 8% per annum or the actuarial investment return assumption used in the Fund's most recent Annual Actuarial Statement. Repayment may be made either directly to the Fund or in a manner similar to that provided for the contributions required under Section 13-502. The service credits represented thereby, or any part thereof, shall not become effective unless the full amount due has been paid by the employee, including interest. The repayment must be made in full no later than 90 days following the date of the employee's final withdrawal from service. If the employee fails to make a full repayment, any partial amounts paid by the employee shall be refunded without interest ~~if the employee dies in service or withdraws.~~

(Source: P.A. 91-887, eff. 7-6-00.)

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)

Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 5000. Having been read by title a second time on March 24, 2004, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Develop Disabilities Mental Illness, adopted and printed.

AMENDMENT NO.   1  . Amend House Bill 5000 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Human Services Act is amended by adding Section 1-35 as follows:

(20 ILCS 1305/1-35 new)

Sec. 1-35. Community-based services contracting pilot project.

(a) The Department of Human Services may initiate a 2-year pilot project aimed at the improvement of delivery of community-based services by contract, which will increase the number of service contracts open to a competitive selection process, increase the number of programs contracted on a fee-for-service basis to attract federal Medicaid match dollars, and utilize performance-based contracts in the provision of such services. Only contracts for community-based services executed under this project shall be subject to a competitive selection process, a fee-for-services method of payment, and performance measurement. Nothing in this Section prohibits the Department from continuing to issue requests for proposals or entering into fee-for-service contracts that were subject to requests for proposals or a fee-for-services method of payment before January 1, 2004.

If implemented, the pilot project authorized by this Section shall be directed toward community-based services that assist Illinois residents in achieving self-sufficiency, independence and health to the maximum extent possible by providing integrated family-oriented services, promoting prevention, and establishing measurable outcomes in partnership with communities.

The 2-year pilot project must be implemented in a manner that ensures the continuation of existing client and provider relationships to the maximum extent possible in cases where there is an ongoing plan of treatment. The pilot project shall ensure that "critical access" providers of services, as defined by rule, continue to provide essential services to the communities serving persons who need such services.

(b) For the fiscal year beginning July 1, 2004, the Department shall limit the total amount of the contracts issued under this project or that are subject to fee-for-service requirements to \$64,000,000 with respect to no more than the following services:

(1) Mental Health: Screening and Support Services.

(2) Mental Health: Preadmission Assessment and Screening.

(3) Rehabilitation Services: Extended Services Programs.

(4) Alcoholism and Substance Abuse: HIV Counseling and Testing.

(5) Alcoholism and Substance Abuse: Technical Assistance

(6) Developmental Disabilities: Self-Advocacy Training.

(7) Developmental Disabilities: Enhanced Respite Services in Underserved Areas.

(8) Community Health and Prevention: Abstinence Only Education.

(9) Community Health and Prevention: Early Intervention and Family Connections.

(10) Community Health and Prevention: Crossroads Program.

(11) Community Health and Prevention: Family Planning.

(12) Human Capital Development: Temporary Assistance for Needy Families (TANF) - Work First.

(13) Human Capital Development: Temporary Assistance for Needy Families (TANF) - Job

Placement with Retention.

(14) Human Capital Development: Food Stamp Employment and Training with retention.

(15) Human Capital Development: Emergency Food Program.

(16) Human Capital Development: Emergency Food and Shelter Program.

(17) Human Capital Development: Donated Funds Initiative Employability Development Service (EDS).

The amount of the contracts to be issued and the programs affected for the fiscal year beginning July 1, 2005 shall be established by rule, which must be proposed by March 1, 2005.

(c) The Department must track real outcomes and achievements that improve the quality of life for people. Prospective bidders must provide affirmative statements in the proposals submitted regarding the services to be provided and the outcomes expected. Performance measurements must be incorporated into the requests-for-proposals. Deliverables must demonstrate performance and actual outcomes achieved. Under the performance-based contracting system, providers must be measured on the indicators set forth in the proposals submitted and the contracts formally executed. Requests-for-proposals shall be evaluated on the basis of a tool to be referenced by the Department as Performance-based Measures (PERMS), a web-based data collection system used by the Department to collect data on service delivery, to assess program progress, and to measure provider performance. Providers will report the services rendered in real time, online, daily. The system must be designed to support the quality of services, to promote creativity and innovation, and to ensure that resources are directed to areas of critical need. Under this pilot project, the Department shall not re-bid all of the community service contracts under its jurisdiction. The Department may only issue requests-for-proposals where an improved system is expected to result. The Department may execute multi-year agreements, when applicable, with annual renewals. In designing the pilot project and in issuing and evaluating requests-for-proposals, the Department must consult and utilize experts in the field.

(d) The Department must consult with stakeholders and consumers in the design, development, and implementation of this pilot project. The Department must conduct regional focus group discussions with stakeholders (including consumers and providers), legislators, foundations, trade associations, consumers, and advocacy groups in the development and evaluation of this system. The Department must implement a system using internet technology under which concerned individuals will be able to submit inquiries and receive responses about the system. The Department must issue quarterly reports and post on its internet website information about this project, information about roundtable discussions with stakeholders, the content and postings regarding the request-for-proposal process, the Department's work with foundations and other experts in grant-making, the evaluation of the request-for-proposal processes, and the Department's work with stakeholders in establishing criteria that will govern the determination of future additional program areas that may be included in the request-for-proposal process.

(e) The Department must establish an "ombudsman" system that will enable providers and consumers to resolve problems and disputes.

(f) The pilot project must be evaluated by an independent contractor with expertise in such matters, and a preliminary report on the progress and results of the project must be submitted to the Governor and General Assembly by March 1, 2005 and a final report March 1, 2006.

Section 10. The Community Services Act is amended by adding Section 4.4 as follows:

(405 ILCS 30/4.4 new)

Sec. 4.4. Medicaid recipients; separate billing. The Department of Human Services must bill the Department of Public Aid separately for services provided to recipients of medical assistance under Article V of the Illinois Public Aid Code through the Division of Mental Health and for services provided to such recipients through the Division of Developmental Disabilities.

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

Representative Daniels offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 5000, AS AMENDED, with reference to the page and line numbers of House Amendment No. 1, on page 1, by replacing line 5 with the following:

"by adding Sections 1-35 and 1-36 as follows:"; and

on page 1, by replacing lines 13 through 15 with "process and utilize performance-based contracts in the"; and

on page 1, by replacing lines 18 and 19 with "competitive selection process and performance measurement. Nothing in this Section"; and

on page 1, by replacing lines 22 and 23 with "subject to requests for proposals before January 1, 2004"; and

on page 2, by replacing lines 16 and 17 with "under this project to \$64,000,000 with respect to no more than the"; and

on page 5, after line 5, by inserting the following:

"(20 ILCS 1305/1-36 new)

Sec. 1-36. Fee-for-service contracts.

(a) The Illinois Department of Human Services shall implement policies and procedures for the procurement of community services under its jurisdiction in a manner that will ensure the maximum amount of federal financial participation in the cost of such services. For the community services that may be eligible for federal financial participation, the Department of Human Services may issue and execute contracts that include provisions for payment on a fee-for-service basis after July 1, 2004 under the terms and conditions set forth in this Section.

(b) Contracts must ensure that eligible persons receiving services in the fiscal year beginning July 1, 2003 will continue to receive necessary services without interruption. Provider and client relationships necessary to ensure continuity and quality of care shall be preserved.

(c) The Department of Human Services, in consultation with the departments of Public Aid, Public Health, and Children and Family Services and the Department on Aging, if applicable to the services under contract, shall adopt rules establishing the criteria, standards, and procedures for the issuance and execution of the fee-for-service contracts. Ninety days before the publication of proposed rules, the Department shall publish a notice of the intent to adopt the rules and conduct public hearings and provide an opportunity for public review and comment.

(d) Approved claims for payments for community services under grants or fee-for-service contracts shall be paid in 12 monthly payments equal to 1/12 of the contract or grant amount, to be received no later than

the 8th calendar day of each month. The Department may adjust the amount of payments for errors or improper payments.

(e) For the fiscal year beginning July 1, 2004, to ensure continuity of services for recipients of community services administered by the Department of Human Services, and to ensure a smooth transition from any payment methodology not based on fee-for-service contracts, the Department shall fund community services provided by individuals, organizations, or agencies meeting conditions of participation through a combination of grants and contracts at amounts at least equal to the amounts in effect for the prior fiscal year beginning July 1, 2003. Grant and contract obligations in effect beginning July 1, 2004 shall at least maintain the service capacity in effect for the prior fiscal year.

(f) The Department of Human Services shall conduct a survey of the community services for which it will contract on a fee-for-service basis to determine the cost of services and other factors upon which the rates of payment shall be based. An initial cost survey shall be conducted by September 1, 2004. Subsequent cost surveys shall be conducted by January 1, 2007 and by January 1 every 3 years thereafter. Beginning July 1, 2007, the Department shall, by rule, set rates to be paid for the various types of community services based on the results of the cost surveys required by this Section."

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was held on the order of Second Reading.

HOUSE BILL 5180. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Administration, adopted and printed:

AMENDMENT NO. 1. Amend House Bill 5180 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Section 213 as follows:

(35 ILCS 5/213)

Sec. 213. Film production services credit. For tax years beginning on or after January 1, 2004, a taxpayer who has been awarded a tax credit under the Film Production Services Tax Credit Act is entitled to a credit against the taxes imposed under subsections (a) and (b) of Section 201 of this Act in an amount determined by the Department of Commerce and Economic Opportunity Community Affairs under the Film Production Services Tax Credit Act. If the taxpayer is a partnership or Subchapter S corporation, the credit is allowed to the partners or shareholders in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. The Department, in cooperation with the Department of Commerce and Economic Opportunity Community Affairs, must prescribe rules to enforce and administer the provisions of this Section. This Section is exempt from the provisions of Section 250 of this Act.

~~The credit may not be carried forward or back. In no event shall a credit under this Section reduce the taxpayer's liability to less than zero.~~

(Source: P.A. 93-543, eff. 1-1-04; revised 12-6-03.)

Section 10. The Film Production Services Tax Credit Act is amended by changing Sections 10 and 90 as follows:

(35 ILCS 15/10)

(Section scheduled to be repealed on January 1, 2005)

Sec. 10. Definitions. As used in this Act:

"Accredited production" means a film, video, or television production that has been certified by the Department in which the aggregate Illinois labor expenditures included in the cost of the production, in the period that ends 12 months after the time principal filming or taping of the production began, exceed \$100,000 for productions of 30 minutes or longer, or \$50,000 for productions of less than 30 minutes; but does not include a production that:

- (1) is news, current events, or public programming, or a program that includes weather or market reports;
- (2) is a talk show;
- (3) is a production in respect of a game, questionnaire, or contest;

- (4) is a sports event or activity;
- (5) is a gala presentation or awards show;
- (6) is a finished production that solicits funds;
- (7) is a production produced by a film production company if records, as required by 18 U.S.C. 2257, are to be maintained by that film production company with respect to any performer portrayed in that single media or multimedia program; or
- (8) is a production produced primarily for industrial, corporate, or institutional purposes.

"Accredited production certificate" means a certificate issued by the Department certifying that the production is an accredited production that meets the guidelines of this Act.

"Applicant" means a taxpayer that is a film production company that is operating or has operated an accredited production located within the State of Illinois and that (i) owns the copyright in the accredited production throughout the Illinois production period or (ii) has contracted directly with the owner of the copyright in the accredited production or a person acting on behalf of the owner to provide services for the production, where the owner of the copyright is not an eligible production corporation.

"Credit" means the amount equal to 25% of the Illinois labor expenditure approved by the Department. The applicant is deemed to have paid, on its balance due day for the year, an amount equal to 25% of its qualified Illinois labor expenditure for the tax year.

"Department" means the Department of Commerce and ~~Economic Opportunity Community Affairs~~.

"Director" means the Director of Commerce and ~~Economic Opportunity Community Affairs~~.

"Illinois labor expenditure" means salary or wages paid to employees of the applicant for services on the accredited production;

To qualify as an Illinois labor expenditure, the expenditure must be:

- (1) Reasonable in the circumstances.
- (2) Included in the federal income tax basis of the property.
- (3) Incurred by the applicant for services on or after January 1, 2004.
- (4) Incurred for the production stages of the accredited production, from the final script stage to the end of the post-production stage.
- (5) Limited to the first \$25,000 of wages paid or incurred to each employee of the production.
- (6) Exclusive of the salary or wages paid to or incurred, for tax year 2004, for the 2 highest paid employees of the production or, for tax year 2005 and thereafter, for the 2 highest paid employees on productions that are 30 minutes or longer.
- (7) Directly attributable to the accredited production.
- (8) Paid in the tax year for which the applicant is claiming the credit or no later than 60 days after the end of the tax year.
- (9) Paid to persons resident in Illinois at the time the payments were made.
- (10) Paid for services rendered in Illinois.

(Source: P.A. 93-543, eff. 1-1-04; revised 12-6-03.)

(35 ILCS 15/90)

(Section scheduled to be repealed on January 1, 2005)

Sec. 90. Repeal. This Act is repealed 5 years ~~4 year~~ after its effective date.

(Source: P.A. 93-543, eff. 1-1-04.)

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

Floor Amendment No. 2 remained in the Committee on Rules.

Representative Dunkin offered the following amendment and moved its adoption:

AMENDMENT NO. 3. Amend House Bill 5180, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Film Production Services Tax Credit Act is amended by changing Section 90 as follows:

(35 ILCS 15/90)

(Section scheduled to be repealed on January 1, 2005)

Sec. 90. Repeal. This Act is repealed 5 years ~~4 year~~ after its effective date.

(Source: P.A. 93-543, eff. 1-1-04.)

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

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 3 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 4735. Having been read by title a second time on March 23, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Hamos offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 4735, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, by replacing line 8 with the following:

"(a) For the purposes of this Section:

"Nursing facility"; and

on page 1, line 14, after "Code", by inserting "and that is certified under Title XIX of the Social Security Act"; and

on page 1, immediately below line 17, by inserting the following:

"Conversion and modernization" means the construction, alteration, reconstruction, renovation, modernization, or improvement of existing nursing facility beds or areas within an existing nursing facility."; and

on page 1, line 24, by replacing "construction, alteration," with "conversion and modernization of"; and

on page 2, by deleting line 1; and

on page 2, line 5, by replacing "as defined in" with "or a special program or unit for persons with Alzheimer's disease or related disorders licensed under"; and

on page 2, by replacing lines 18 and 19 with the following:

"(d) A conversion and modernization shall not have the effect of:"; and

on page 3, by replacing line 1 with the following:

"conversion and modernization that"; and

on page 3, line 6, by replacing "Conversions or" with "Conversion and"; and

on page 3, line 15, after "20%", by inserting ", and may offer to provide more than 20%,"; and

on page 3, by replacing lines 24 through 28 with the following:

"(1) the unique needs of residents and their caregivers in the area in which the facility is located;

(2) the nursing facility bed need in the area in which the facility is located;

(3) the extent to which the conversion and modernization results in the reduction of certified nursing facility beds in an area with excess beds;

(4) compliance history with licensure and certification requirements; and

(5) the extent to which the application reflects collaboration and support for the

conversion or modernization by other providers and local government leaders in the community."; and

on page 3, by replacing lines 32 and 33 with the following:

"Public Health, in coordination with the Director of Public Aid, the Director of Aging, and the Secretary of Human Services."; and

on page 4, line 2, by replacing "licensed" with "certified"; and

on page 4, line 22, by replacing "relocate" with "move or transfer"; and

on page 4, immediately below line 24, by inserting the following:

"(l) Nothing in this Section shall prohibit a nursing facility from moving or transferring a resident as authorized by the Nursing Home Care Act."; and

on page 4, lines 26 and 27, by replacing "Aid and the Director of Aging" with "Aid, the Director of Aging, and the Secretary of Human Services"; and

on page 4, immediately below line 33, by inserting the following:

"Section 90. The Illinois Health Facilities Planning Act is amended by adding Section 12.05 as follows:

(20 ILCS 3960/12.05 new)

Sec. 12.05. Nursing Facility Conversion and Modernization Act. The criteria and standards for health care planning, including but not limited to the statewide inventory established under Section 12 of this Act, shall not be adjusted by any change in the number of nursing facility beds resulting from nursing home conversion or modernization pursuant to the Nursing Facility Conversion and Modernization Act."

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 4566. Having been read by title a second time earlier today, and held on the order of Second Reading, the same was again taken up.

Representative Jones offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 4566, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Juvenile Court Act of 1987 is amended by changing Section 5-915 as follows:  
(705 ILCS 405/5-915)

Sec. 5-915. Expungement of juvenile law enforcement and juvenile court records.

(1) Whenever any person has attained the age of 17 or whenever all juvenile court proceedings relating to that person have been terminated, whichever is later, the person may petition the court to expunge law enforcement records relating to incidents occurring before his or her 17th birthday or his or her juvenile court records, or both, but only in the following circumstances:

(a) the minor was arrested and no petition for delinquency was filed with the clerk of the circuit court; or

(b) the minor was charged with an offense and was found not delinquent of that offense;

or

(c) the minor was placed under supervision pursuant to Section 5-615, and the order of supervision has since been successfully terminated; or

(d) the minor was adjudicated for an offense which would be a Class B misdemeanor, Class C misdemeanor, or a petty or business offense if committed by an adult.

(2) Any person may petition the court to expunge all law enforcement records relating to any incidents occurring before his or her 17th birthday which did not result in proceedings in criminal court and all juvenile court records with respect to any adjudications except those based upon first degree murder and sex offenses which would be felonies if committed by an adult, if the person for whom expungement is sought has had no convictions for any crime since his or her 17th birthday and:

(a) has attained the age of 21 years; or

(b) 5 years have elapsed since all juvenile court proceedings relating to him or her

have been terminated or his or her commitment to the Department of Corrections, Juvenile Division pursuant to this Act has been terminated; whichever is later of (a) or (b).

(2.5) If a minor is arrested and no petition for delinquency is filed with the clerk of the circuit court as provided in paragraph (a) of subsection (1) at the time the minor is released from custody, the youth officer, if applicable, or other designated person from the arresting agency, shall notify verbally and in writing to the minor or the minor's parents or guardians that if the State's Attorney does not file a petition for delinquency, the minor has a right to petition to have his or her arrest record expunged when the minor attains the age of 17 or when all juvenile court proceedings relating to that minor have been terminated and that unless a petition to expunge is filed, the minor shall have an arrest record and shall provide the minor and the minor's parents or guardians with an expungement information packet, including a petition to expunge juvenile records obtained from the clerk of the circuit court.

(2.6) If a minor is charged with an offense and is found not delinquent of that offense; or if a minor is placed under supervision under Section 5-615, and the order of supervision is successfully terminated; or if a minor is adjudicated for an offense that would be a Class B misdemeanor, a Class C misdemeanor, or a business or petty offense if committed by an adult; or if a minor has incidents occurring before his or her 17th birthday that have not resulted in proceedings in criminal court, or resulted in proceedings in juvenile court, and the adjudications were not based upon first degree murder or sex offenses that would be felonies if committed by an adult; then at the time of sentencing or dismissal of the case, the judge shall inform the delinquent minor of his or her right to petition for expungement as provided by law, and the clerk of the circuit court shall provide an expungement information packet to the delinquent minor, written in plain

language, including a petition for expungement, a sample of a completed petition, expungement instructions that shall include information informing the minor that (i) once the case is expunged, it shall be treated as if it never occurred, (ii) he or she may apply to have petition fees waived, (iii) once he or she obtains an expungement, he or she may not be required to disclose that he or she had a juvenile record, and (iv) he or she may file the petition on his or her own or with the assistance of an attorney.

(2.7) For counties with a population over 3,000,000, the clerk of the circuit court shall send a "Notification of a Possible Right to Expungement" post card to the minor at the address last received by the clerk of the circuit court on the date that the minor attains the age of 17 based on the birthdate provided to the court by the minor or his or her guardian in cases under paragraphs (b), (c), and (d) of subsection (1); and when the minor attains the age of 21 based on the birthdate provided to the court by the minor or his or her guardian in cases under subsection (2).

(2.8) The petition for expungement for subsection (1) shall be substantially in the following form:

IN THE CIRCUIT COURT OF ....., ILLINOIS

.....JUDICIAL CIRCUIT

IN THE INTEREST OF )

NO.

)

)

.....)

(Name of Petitioner)

PETITION TO EXPUNGE JUVENILE RECORDS

(705 ILCS 405/5-915 (SUBSECTION 1))

(Please prepare a separate petition for each offense)

Now comes ....., petitioner, and respectfully requests that this Honorable Court enter an order expunging all juvenile law enforcement and court records of petitioner and in support thereof states that: Petitioner has attained the age of 17, his/her birth date being ....., or all Juvenile Court proceedings terminated as of ....., whichever occurred later. Petitioner was arrested on .... by the ..... Police Department for the offense of ....., and:

(Check One:)

( ) a. no petition was filed with the Clerk of the Circuit Court.

( ) b. was charged with ..... and was found not delinquent of the offense.

( ) c. a petition was filed and the petition was dismissed without a finding of delinquency on ....

( ) d. on ..... placed under supervision pursuant to Section 5-615 of the Juvenile Court Act of 1987 and such order of supervision successfully terminated on .....

( ) e. was adjudicated for the offense, which would have been a Class B misdemeanor, a Class C misdemeanor, or a petty offense or business offense if committed by an adult.

Petitioner .... has .... has not been arrested on charges in this or any county other than the charges listed above. If petitioner has been arrested on additional charges, please list the charges below:

Charge(s): .....

Arresting Agency or Agencies: .....

Disposition/Result: (choose from a. through e., above): .....

WHEREFORE, the petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of petitioner to this incident, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident.

.....

Petitioner (Signature)

.....

Petitioner's Street Address

.....

City, State, Zip code

.....

Petitioner's Telephone Number

Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief I believe the same to be true.

.....

Petitioner (Signature)



The Petition for Expungement for subsection (2) shall be substantially in the following form:

IN THE CIRCUIT COURT OF ....., ILLINOIS

..... JUDICIAL CIRCUIT

IN THE INTEREST OF )

NO.

)

)

.....)

(Name of Petitioner)

PETITION TO EXPUNGE JUVENILE RECORDS

(705 ILCS 405/5-915 (SUBSECTION 2))

(Please prepare a separate petition for each offense)

Now comes ....., petitioner, and respectfully requests that this Honorable Court enter an order expunging all Juvenile Law Enforcement and Court records of petitioner and in support thereof states that:

The incident for which the Petitioner seeks expungement occurred before the Petitioner's 17th birthday and did not result in proceedings in criminal court and the Petitioner has not had any convictions for any crime since his/her 17th birthday; and

The incident for which the Petitioner seeks expungement occurred before the Petitioner's 17th birthday and the adjudication was not based upon first-degree murder or sex offenses which would be felonies if committed by an adult, and the Petitioner has not had any convictions for any crime since his/her 17th birthday.

Petitioner was arrested on ..... by the ..... Police Department for the offense of ..... and:

(Check whichever one occurred the latest:)

( ) a. The Petitioner has attained the age of 21 years, his/her birthday being .....; or

( ) b. 5 years have elapsed since all juvenile court proceedings relating to the Petitioner have been terminated; or the Petitioner's commitment to the Department of Corrections, Juvenile Division, pursuant to the expungement of juvenile law enforcement and court records provisions of the Juvenile Court Act of 1987 has been terminated. Petitioner ...has ...has not been arrested on charges in this or any other county other than the charge listed above. If petitioner has been arrested on additional charges, please list the charges below:

Charge(s): .....

Arresting Agency or Agencies: .....

Disposition/Result: (choose from a or b, above): .....

WHEREFORE, the petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of petitioner related to this incident, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident.

.....  
Petitioner (Signature)

.....  
Petitioner's Street Address

.....  
City, State, Zip code

.....  
Petitioner's Telephone Number

Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief I believe the same to be true.

.....  
Petitioner (Signature)

(3) The chief judge of the circuit in which an arrest was made or a charge was brought or any judge of that circuit designated by the chief judge may, upon verified petition of a person who is the subject of an arrest or a juvenile court proceeding under subsection (1) or (2) of this Section, order the law enforcement records or official court file, or both, to be expunged from the official records of the arresting authority, the clerk of the circuit court and the Department of State Police. The person whose records are to be expunged shall petition the court using the appropriate form containing his or her current address and shall promptly notify the clerk of the circuit court of any change of address. Notice of the petition shall be served upon the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State

Police, and the arresting agency or agencies by the clerk of the circuit court. If an objection is filed within 90 days of the notice of the petition, the clerk of the circuit court shall set a date for hearing after the 90 day objection period. At the hearing the court shall hear evidence on whether the expungement should or should not be granted. Unless the State's Attorney or prosecutor, the Department of State Police, or an arresting agency objects to the expungement within 90 days of the notice, the court may enter an order granting expungement. The person whose records are to be expunged shall pay the clerk of the circuit court a fee equivalent to the cost associated with expungement of records by the clerk and the Department of State Police. The clerk shall forward a certified copy of the order to the Department of State Police, the appropriate portion of the fee to the Department of State Police for processing, and deliver a certified copy of the order to the arresting agency, and upon the arresting authority which is the subject of the petition for expungement.

(3.1) The Notice of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF ....., ILLINOIS

.... JUDICIAL CIRCUIT  
IN THE INTEREST OF )

NO.

)

)

.....)

(Name of Petitioner)

NOTICE

TO: State's Attorney

TO: Arresting Agency

.....

.....

.....

.....

TO: Illinois State Police

.....

.....

ATTENTION: Expungement

You are hereby notified that on ....., at ....., in courtroom ..., located at ..., before the Honorable ..., Judge, or any judge sitting in his/her stead, I shall then and there present a Petition to Expunge Juvenile records in the above-entitled matter, at which time and place you may appear.

.....

Petitioner's Signature

.....

Petitioner's Street Address

.....

City, State, Zip code

.....

Petitioner's Telephone Number

PROOF OF SERVICE

On the ..... day of ....., 20..., I on oath state that I served this notice and true and correct copies of the above-checked documents by:

(Check One:)

delivering copies personally to each entity to whom they are directed; or by mailing copies to each entity to whom they are directed by depositing the same in the U.S. Mail, proper postage fully prepaid, before the hour of 5:00 p.m., at the United States Postal Depository located at .....

.....

Signature

Clerk of the Circuit Court or Deputy Clerk

Printed Name of Delinquent Minor/Petitioner: ....

Address: .....

Telephone Number: .....

(3.2) The Order of Expungement shall be in substantially the following form:

IN THE CIRCUIT COURT OF ....., ILLINOIS

.... JUDICIAL CIRCUIT  
IN THE INTEREST OF )

NO.

)

)

.....)

(Name of Petitioner)

DOB .....

Arresting Agency/Agencies .....

ORDER OF EXPUNGEMENT

(705 ILCS 405/5-915 (SUBSECTION 3))

This matter having been heard on the petitioner's motion and the court being fully advised in the premises does find that the petitioner is indigent or has presented reasonable cause to waive all costs in this matter, IT IS HEREBY ORDERED that:

( ) 1. Clerk of Court and Department of State Police costs are hereby waived in this matter.

( ) 2. The Illinois State Police Bureau of Identification and the following law enforcement agencies expunge all records of petitioner relating to an arrest dated ..... for the offense of .....

Law Enforcement Agencies:

.....

.....

( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit Court expunge all records regarding the above-captioned case.

ENTER: .....

JUDGE

DATED: .....

Name:

Attorney for:

Address: City/State/Zip:

Attorney Number:

(3.3) The Notice of Objection shall be in substantially the following form:

IN THE CIRCUIT COURT OF ....., ILLINOIS

..... JUDICIAL CIRCUIT

IN THE INTEREST OF )

NO.

)

)

.....)

(Name of Petitioner)

NOTICE OF OBJECTION

TO:(Attorney, Public Defender, Minor)

.....

.....

TO:(Illinois State Police)

.....

.....

TO:(Clerk of the Court)

.....

.....

TO:(Judge)

.....

.....

TO:(Arresting Agency/Agencies)

.....

.....

ATTENTION: You are hereby notified that an objection has been filed by the following entity regarding the above-named minor's petition for expungement of juvenile records:

( ) State's Attorney's Office

( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged

( ) Department of Illinois State Police

( ) Arresting Agency or Agencies

The agency checked above respectfully requests that this case be continued and set for hearing on whether the expungement should or should not be granted.

DATED: .....

Name:

Attorney For:

Address:

City/State/Zip:

Telephone:

Attorney No.:

FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

This matter has been set for hearing on the foregoing objection, on ..... in room ....., located at ....., before the Honorable ....., Judge, or any judge sitting in his/her stead. (Only one hearing shall be set, regardless of the number of Notices of Objection received on the same case).

A copy of this completed Notice of Objection containing the court date, time, and location, has been sent via regular U.S. Mail to the following entities. (If more than one Notice of Objection is received on the same case, each one must be completed with the court date, time and location and mailed to the following entities):

( ) Attorney, Public Defender or Minor;

( ) State's Attorney's Office;

( ) Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;

( ) Department of Illinois State Police; and

( ) Arresting agency or agencies.

Date: .....

Initials of Clerk completing this section: .....

(4) Upon entry of an order expunging records or files, the offense, which the records or files concern shall be treated as if it never occurred. Law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the person.

(5) Records which have not been expunged are sealed, and may be obtained only under the provisions of Sections 5-901, 5-905 and 5-915.

(6) Nothing in this Section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the offender. This information may only be used for statistical and bona fide research purposes.

(7)(a) The State Appellate Defender shall establish, maintain, and carry out, by December 31, 2004, a juvenile expungement program to provide information and assistance to minors eligible to have their juvenile records expunged.

(b) The State Appellate Defender shall develop brochures, pamphlets, and other materials in printed form and through the agency's World Wide Web site. The pamphlets and other materials shall include at a minimum the following information:

(i) An explanation of the State's juvenile expungement process;

(ii) The circumstances under which juvenile expungement may occur;

(iii) The juvenile offenses that may be expunged;

(iv) The steps necessary to initiate and complete the juvenile expungement process; and

(v) Directions on how to contact the State Appellate Defender.

(c) The State Appellate Defender shall establish and maintain a statewide toll-free telephone number that a person may use to receive information or assistance concerning the expungement of juvenile records. The State Appellate Defender shall advertise the toll-free telephone number statewide. The State Appellate Defender shall develop an expungement information packet that may be sent to eligible persons seeking expungement of their juvenile records, which may include, but is not limited to, a pre-printed expungement petition with instructions on how to complete the petition and a pamphlet containing information that would assist individuals through the juvenile expungement process.

(d) The State Appellate Defender shall compile a statewide list of volunteer attorneys willing to assist

eligible individuals through the juvenile expungement process.

(e) This Section shall be implemented from funds appropriated by the General Assembly to the State Appellate Defender for this purpose. The State Appellate Defender shall employ the necessary staff and adopt the necessary rules for implementation of this Section.

(8)(a) Except with respect to law enforcement agencies, the Department of Corrections, State's Attorneys, or other prosecutors, an expunged juvenile record may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Applications for employment must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of conviction or arrest. Employers may not ask if an applicant has had a juvenile record expunged. Effective January 1, 2005, the Department of Labor shall develop a link on the Department's website to inform employers that employers may not ask if an applicant had a juvenile record expunged and that application for employment must contain specific language that states that the applicant is not obligated to disclose expunged juvenile records of arrest or conviction.

(b) A person whose juvenile records have been expunged is not entitled to remission of any fines, costs, or other money paid as a consequence of expungement. This amendatory Act of the 93rd General Assembly does not affect the right of the victim of a crime to prosecute or defend a civil action for damages.

(Source: P.A. 90-590, eff. 1-1-99.)

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

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was held on the order of Second Reading.

HOUSE BILL 5095. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Revenue, adopted and printed:

AMENDMENT NO.   1  . Amend House Bill 5095 on page 27, line 25, by changing "45" to "59"; and

on page 27, line 29, by changing "95 cents" to "\$1.26"; and  
 on page 27, by replacing line 32 with the following:  
 "paragraph exceed \$1.39 ~~\$1.55~~ per cubic yard or \$2.95 ~~\$3.27~~"; and  
 on page 28, line 1, by changing "\$25,000" to "\$33,250"; and  
 on page 28, line 5, by changing "\$11,300" to "15,209"; and  
 on page 28, line 9, by changing "\$3,450" to "\$4,589"; and  
 on page 28, line 13, by changing "\$500" to "\$665"; and  
 on page 33, line 8, by changing "6.9" to "10.5"; and  
 on page 33, line 12, by changing "15" to "17"; and  
 on page 93, line 13, by changing "\$125,000" to "\$175,000".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 4224. Having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 remained in the Committee on Rules.

There being no further amendments, the bill was advanced to the order of Third Reading.

HOUSE BILL 4180. Having been printed, was taken up and read by title a second time.

Representative Eddy offered the following amendment and moved its adoption:

AMENDMENT NO.   1  . Amend House Bill 4180 on page 8, by replacing lines 29 and 30 with the following:

"Association of Park Districts; and any hospital provider that is owned by a county that has 100 or fewer hospital beds and has not already joined the program. "Qualified".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 4825. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary II - Criminal Law, adopted and printed:

AMENDMENT NO. 1. Amend House Bill 4825 by replacing lines 6 through 32 on page 1 and line 1 on page 2 with the following:

"(725 ILCS 5/107-2.5 new)

Sec. 107-2.5. DNA fingerprinting analysis. Every person arrested for committing a felony as defined in Section 2-7 of the Criminal Code of 1961 shall have a sample of his or her saliva or tissue taken for DNA analysis for the purpose of determining identity and for the purposes specified in this Section and subsection (f) of Section 5-4-3 of the Unified Code of Corrections. The analysis shall be performed by the Department of State Police or any other agent approved by the Department of State Police. The identification characteristics resulting from DNA analysis shall be stored and maintained by the Department of State Police or any agent approved by the Department. The information may be maintained in a database that is separate from the genetic marker groupings maintained under Section 5-4-3 of the Unified Code of Corrections. Any law enforcement agency extracting DNA samples under this Section shall be required to follow all written rules and regulations for the collection, storage, and processing of such samples promulgated by the Department of State Police. All results developed from collected DNA samples shall be subject to any and all confidentiality provisions of State and federal law. Any agent approved by the Department of State Police to store and analyze DNA samples shall be required to meet all Illinois State Police laboratory accreditation requirements and shall properly forward the results of the DNA analysis to the Department of State Police."

Representative Mendoza offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4825, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Code of Criminal Procedure of 1963 is amended by adding Section 107-2.5 as follows:  
(725 ILCS 5/107-2.5 new)

Sec. 107-2.5. DNA fingerprinting analysis.

(a) Every person arrested for committing a felony as defined in Section 2-7 of the Criminal Code of 1961 shall have a sample of his or her saliva or tissue taken for DNA fingerprinting analysis, at the time of booking, for the purpose of determining identity and for the purposes specified in this Section and subsection (f) of Section 5-4-3 of the Unified Code of Corrections. Any law enforcement agency extracting DNA samples under this Section shall be required to follow all written rules and regulations for the collection, storage, and processing of those samples promulgated by the Department of State Police. The analysis shall be performed by the Department of State Police or a specific agent approved by the Department of State Police. The identification characteristics resulting from the DNA analysis shall be stored and maintained by the Department of State Police or the specific agent approved by the Department. All results developed from collected DNA samples shall be subject to any and all confidentiality provisions of State and federal laws. The specific agent approved by the Department of State Police to store and analyze DNA samples shall be required to meet all Illinois State Police laboratory accreditation requirements and shall properly forward the results of the DNA analysis to the Department of State Police.

(b) If charges are dismissed or an individual is found not guilty, any expungement of that person's DNA sample shall be in accordance with the procedures set forth in Section 5 of the Criminal Identification Act.

(c) Subject to appropriation, the Department of State Police shall implement this Section; however, this Section becomes operative no later than the earliest of the following: (1) two years after the effective date of this amendatory Act of the 93rd General Assembly; (2) the date on which the Department of State Police

informs law enforcement agencies that the Department is ready to collect samples; or (3) January 1, 2007.

Section 10. The Unified Code of Corrections is amended by changing Section 5-4-3 as follows:

(730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

Sec. 5-4-3. Persons convicted of, or found delinquent for, certain offenses or institutionalized as sexually dangerous; specimens; genetic marker groups.

(a) Any person convicted of, found guilty under the Juvenile Court Act of 1987 for, or who received a disposition of court supervision for, a qualifying offense or attempt of a qualifying offense, arrested for or convicted or found guilty of any offense classified as a felony under Illinois law, found guilty or given supervision for any offense classified as a felony under the Juvenile Court Act of 1987, or institutionalized as a sexually dangerous person under the Sexually Dangerous Persons Act, or committed as a sexually violent person under the Sexually Violent Persons Commitment Act shall, regardless of the sentence or disposition imposed, be required to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section, provided such person is:

(1) convicted of a qualifying offense or attempt of a qualifying offense on or after

July 1, 1990 and sentenced to a term of imprisonment, periodic imprisonment, fine, probation, conditional discharge or any other form of sentence, or given a disposition of court supervision for the offense;

(1.5) found guilty or given supervision under the Juvenile Court Act of 1987 for a qualifying offense or attempt of a qualifying offense on or after January 1, 1997;

(2) ordered institutionalized as a sexually dangerous person on or after July 1, 1990;

(3) convicted of a qualifying offense or attempt of a qualifying offense before July 1, 1990 and is presently confined as a result of such conviction in any State correctional facility or county jail or is presently serving a sentence of probation, conditional discharge or periodic imprisonment as a result of such conviction;

(3.5) convicted or found guilty of any offense classified as a felony under Illinois law or found guilty or given supervision for such an offense under the Juvenile Court Act of 1987 on or after August 22, 2002;

(4) presently institutionalized as a sexually dangerous person or presently institutionalized as a person found guilty but mentally ill of a sexual offense or attempt to commit a sexual offense;

(4.5) ordered committed as a sexually violent person on or after the effective date of the Sexually Violent Persons Commitment Act; ~~or~~

(5) seeking transfer to or residency in Illinois under Sections 3-3-11.05 through 3-3-11.5 of the Unified Code of Corrections and the Interstate Compact for Adult Offender Supervision or the Interstate Agreements on Sexually Dangerous Persons Act; or -

(6) arrested who is suspected of committing a felony as defined in Section 2-7 of the Criminal Code of 1961.

Notwithstanding other provisions of this Section, any person incarcerated in a facility of the Illinois Department of Corrections on or after August 22, 2002 shall be required to submit a specimen of blood, saliva, or tissue prior to his or her final discharge or release on parole or mandatory supervised release, as a condition of his or her parole or mandatory supervised release.

(a-5) Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the Criminal Code of 1961 or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5), (a)(2), (a)(3.5), and (a-5) to provide specimens of blood, saliva, or tissue shall provide specimens of blood, saliva, or tissue within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

(c) Any person required by paragraphs (a)(3), (a)(4), and (a)(4.5) to provide specimens of blood, saliva, or tissue shall be required to provide such samples prior to final discharge, parole, or release at a collection site designated by the Illinois Department of State Police.

(c-5) Any person required by paragraph (a)(5) to provide specimens of blood, saliva, or tissue shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.

(c-6) The Illinois Department of State Police may determine which type of specimen or specimens, blood, saliva, or tissue, is acceptable for submission to the Division of Forensic Services for analysis.

(c-7) Any person required by paragraph (a)(6) to provide specimens of saliva or tissue shall be required to provide the specimens at the booking procedure. The law enforcement officer shall verify that the arrestee sample has not been previously collected at each arrest.

(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood samples. The collection of samples shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-1) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of saliva samples under this Section. The collection of saliva samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting saliva may collect saliva for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-2) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of tissue samples under this Section. The collection of tissue samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting tissue may collect tissue for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-5) To the extent that funds are available, the Illinois Department of State Police shall contract with qualified personnel and certified laboratories for the collection, analysis, and categorization of known samples.

(d-6) Agencies designated by the Illinois Department of State Police and the Illinois Department of State Police may contract with third parties to provide for the collection or analysis of DNA, or both, of an offender's blood, saliva, and tissue samples.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained pursuant to this Act and the information obtained under Section 107-2.5 of the Code of Criminal Procedure of 1963 shall be confidential and shall be released only to peace officers of the United States, of other states or territories, of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all prosecutorial agencies, and to defense counsel as provided by Section 116-5 of the Code of Criminal Procedure of 1963. The genetic marker grouping analysis information obtained pursuant to this Act shall be used only for (i) valid law enforcement identification purposes and as required by the Federal Bureau of Investigation for participation in the National DNA database, (ii) technology validation purposes, (iii) a population statistics database, ~~or~~ (iv) quality assurance purposes if personally identifying information is removed, or (v) ~~(iii)~~ assisting in the defense of the criminally accused pursuant to Section 116-5 of the Code of Criminal Procedure of 1963. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State data base, which may be uploaded into a national database, and which information may be subject to expungement only as set forth in subsection (f-1).

(f-1) Upon receipt of notification of a reversal of a conviction based on actual innocence, or of the granting of a pardon pursuant to Section 12 of Article V of the Illinois Constitution, if that pardon document specifically states that the reason for the pardon is the actual innocence of an individual whose DNA record has been stored in the State or national DNA identification index in accordance with this Section by the Illinois Department of State Police, the DNA record shall be expunged from the DNA identification index, and the Department shall by rule prescribe procedures to ensure that the record and any samples, analyses, or other documents relating to such record, whether in the possession of the Department or any law enforcement or police agency, or any forensic DNA laboratory, including any duplicates or copies thereof, are destroyed and a letter is sent to the court verifying the expungement is completed.

(f-5) Any person who intentionally uses genetic marker grouping analysis information, or any other information derived from a DNA sample, beyond the authorized uses as provided under this Section, or any other Illinois law, is guilty of a Class 4 felony, and shall be subject to a fine of not less than \$5,000.

(f-6) The Illinois Department of State Police may contract with third parties for the purposes of



implementing this amendatory Act of the 93rd General Assembly. Any other party contracting to carry out the functions of this Section shall be subject to the same restrictions and requirements of this Section insofar as applicable, as the Illinois Department of State Police, and to any additional restrictions imposed by the Illinois Department of State Police.

(g) For the purposes of this Section, "qualifying offense" means any of the following:

- (1) any violation or inchoate violation of Section 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the Criminal Code of 1961;
- (1.1) any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which persons are convicted on or after July 1, 2001;
- (2) any former statute of this State which defined a felony sexual offense;
- (3) (blank);
- (4) any inchoate violation of Section 9-3.1, 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961; or
- (5) any violation or inchoate violation of Article 29D of the Criminal Code of 1961.

(g-5) (Blank).

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker grouping analysis information obtained pursuant to this Act. The Illinois Department of State Police may promulgate rules for the form and manner of the collection of blood, saliva, or tissue samples and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.

(i) (1) A person required to provide a blood, saliva, or tissue specimen shall cooperate with the collection of the specimen and any deliberate act by that person intended to impede, delay or stop the collection of the blood, saliva, or tissue specimen is a Class A misdemeanor.

(2) In the event that a person's DNA sample is not adequate for any reason, the person shall provide another DNA sample for analysis. Duly authorized law enforcement and corrections personnel may employ reasonable force in cases in which an individual refuses to provide a DNA sample required under this Act.

(j) Any person sentenced and required by subsection (a) to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police for analysis and categorization into genetic marker grouping, in addition to any other disposition, penalty, or fine imposed, shall pay an analysis fee of \$200. If the analysis fee is not paid at the time of sentencing, the court shall establish a fee schedule by which the entire amount of the analysis fee shall be paid in full, such schedule not to exceed 24 months from the time of conviction. The inability to pay this analysis fee shall not be the sole ground to incarcerate the person.

(k) All analysis and categorization fees provided for by subsection (j) shall be regulated as follows:

- (1) The State Offender DNA Identification System Fund is hereby created as a special fund in the State Treasury.
- (2) All fees shall be collected by the clerk of the court and forwarded to the State Offender DNA Identification System Fund for deposit. The clerk of the circuit court may retain the amount of \$10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.
- (3) Fees deposited into the State Offender DNA Identification System Fund shall be used by Illinois State Police crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing laws and shall be designated for the exclusive use of State crime laboratories. These uses may include, but are not limited to, the following:
  - (A) Costs incurred in providing analysis and genetic marker categorization as required by subsection (d).
  - (B) Costs incurred in maintaining genetic marker groupings as required by subsection (e).
  - (C) Costs incurred in the purchase and maintenance of equipment for use in performing analyses.
  - (D) Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.
  - (E) Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(l) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, within the 45 day period shall in no way alter the obligation of the person to submit such specimen, or the

authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database.

(m) If any provision of this amendatory Act of the 93rd General Assembly is held unconstitutional or otherwise invalid, the remainder of this amendatory Act of the 93rd General Assembly is not affected.

(Source: P.A. 92-16, eff. 6-28-01; 92-40, eff. 6-29-01; 92-571, eff. 6-26-02; 92-600, eff. 6-28-02; 92-829, eff. 8-22-02; 92-854, eff. 12-5-02; 93-216, eff. 1-1-04; 93-605, eff. 11-19-03; revised 12-9-03.)

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

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 4851. Having been printed, was taken up and read by title a second time.

Representative Boland offered the following amendment and moved its adoption:

AMENDMENT NO.   1  . Amend House Bill 4851 on page 1, immediately below line 5, by inserting the following:

"Section 3. Definitions. As used in this Act:

"Volunteer firefighter" means a firefighter who does not receive monetary compensation for his or her services to a fire department or fire protection district and who does not work for any other fire department or fire protection district for monetary compensation."; and

on page 2, immediately below line 17, by inserting the following:

"Section 20. Applicability. This Act applies only to municipalities with a population of 3,500 or less."

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 3890. Having been printed, was taken up and read by title a second time.

Representative Franks offered the following amendment and moved its adoption:

AMENDMENT NO.   1  . Amend House Bill 3890 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Sections 5-1041 and 5-1042 as follows:

(55 ILCS 5/5-1041) (from Ch. 34, par. 5-1041)

Sec. 5-1041. Maps, plats and subdivisions. A county board may prescribe, by resolution or ordinance, reasonable rules and regulations governing the location, width and course of streets and highways and of floodplain, stormwater and floodwater runoff channels and basins, and the provision of necessary public grounds for schools, public libraries, parks or playgrounds, in any map, plat or subdivision of any block, lot or sub-lot or any part thereof or any piece or parcel of land, not being within any city, village or incorporated town. The rules and regulations may include such reasonable requirements with respect to water supply and sewage collection and treatment as may be established by the Environmental Protection Agency, and such reasonable requirements with respect to floodplain and stormwater management as may be established by the County Stormwater Management Committee established under Section 5-1062 of this Code, and such reasonable requirements with respect to street drainage and surfacing as may be established by the county engineer or superintendent of highways and which by resolution shall be deemed to be the minimum requirements in the interest of the health, safety, education and convenience of the public of the county; and may provide by resolution that the map, plat or subdivision shall be submitted to the county board or to some officer to be designated by the county board for their or his approval. The county board shall have a qualified engineer make an estimate of the probable expenditures necessary to enable any person to conform with the standards of construction established by the board pursuant to the provisions of

this Section. Except as provided in Section 3 of the Public Construction Bond Act, each person who seeks the county board's approval of a map, plat or subdivision shall post a good and sufficient cash bond, irrevocable letter of credit, surety bond, or other adequate security with the county clerk, in a penal sum sufficient to cover the estimate of expenditures made by the estimating engineer. The cash bond, irrevocable letter of credit, surety bond, or other adequate security shall be conditioned upon faithful adherence to the rules and regulations of the county board promulgated pursuant to the authorization granted to it by this Section or by Section 5-1062 of this Code, and in such cases no such map, plat or subdivision shall be entitled to record in the proper county or have any validity until it has been so approved. If the county board requires a cash bond, letter of credit, surety, or any other method to cover the costs and expenses and to insure completion of the requirements, the requirements shall be subject to the provisions of Section 5-1123 of this Code. This Section is subject to the provisions of Section 5-1123.

The county board may, by resolution, provide a schedule of fees sufficient to reimburse the county for the costs incurred in reviewing such maps, plats and subdivisions submitted for approval to the county board. The fees authorized by this Section are to be paid into the general corporate fund of the county by the party desiring to have the plat approved.

For purposes of implementing ordinances regarding developer donations or impact fees and only for the purpose of expenditures thereof, "public grounds for schools" is defined as including land or site improvements, which include school buildings or other infrastructure necessitated and specifically and uniquely attributable to the development or subdivision in question. This amendatory Act of the 93rd General Assembly applies to all impact fees or developer donations paid into a school district or held in a separate account or escrow fund by any school district or county for a school district.

For purposes of implementing ordinances regarding developer donations or impact fees and only for the purpose of expenditures thereof, "public libraries" is defined as including land or site improvements, including library buildings or other infrastructure necessitated by and specifically and uniquely attributable to the development or subdivision in question. This amendatory Act of the 93rd General Assembly applies to all impact fees or developer donations paid into a public library or library district or held in a separate account or escrow fund by any public library or library district or county for a public library or library district.

No officer designated by a county board for the approval of plats shall engage in the business of surveying, and no map, plat or subdivision shall be received for record or have any validity which has been prepared by or under the direction of such plat officer.

It is the intention of this amendatory Act of 1990 to repeal the language added to Section 25.09 of "An Act to revise the law in relation to counties", approved March 31, 1874, by P.A. 86-614, Section 25.09 of that Act being the predecessor of this Section.

(Source: P.A. 92-479, eff. 1-1-02; 93-330, eff. 7-24-03.)

(55 ILCS 5/5-1042) (from Ch. 34, par. 5-1042)

Sec. 5-1042. Maps, plats and subdivisions in certain counties. In any county with a population not in excess of 500,000 located in the area served by the Northeastern Illinois Metropolitan Planning Commission, a county board may establish by ordinance or resolution of record reasonable rules and regulations governing the location, width and course of streets and highways, and the provision of public grounds for schools, public libraries, parks or playgrounds, in any map, plat or subdivision of any block, lot or sub-lot or any part thereof or any piece or parcel of land in the county, not being within any city, village or incorporated town in the county which rules and regulations may include such reasonable requirements with respect to water supply and sewage collection and treatment, and such reasonable requirements with respect to street drainage and surfacing, as may be established by the county board as minimum requirements in the interest of the health, safety and convenience of the public of the county; and may require by ordinance or resolution of record that any map, plat or subdivision shall be submitted to the county board or some officer to be designated by the county board for its or his approval in the manner provided in Section 5-1041, and to require bonds and charge fees as provided in Section 5-1041. This Section is subject to the provisions of Section 5-1123.

For purposes of implementing ordinances regarding developer donations or impact fees and only for the purpose of expenditures thereof, "public grounds for schools" is defined as including land or site improvements, which include school buildings or other infrastructure necessitated and specifically and uniquely attributable to the development or subdivision in question. This amendatory Act of the 93rd General Assembly applies to all impact fees or developer donations paid into a school district or held in a separate account or escrow fund by any school district or county for a school district.

For purposes of implementing ordinances regarding developer donations or impact fees and only for the

purpose of expenditures thereof, "public libraries" is defined as including land or site improvements, including library buildings or other infrastructure necessitated by and specifically and uniquely attributable to the development or subdivision in question. This amendatory Act of the 93rd General Assembly applies to all impact fees or developer donations paid into a public library or library district or held in a separate account or escrow fund by any public library or library district or county for a public library or library district.

(Source: P.A. 93-330, eff. 7-24-03.)

Section 10. The Illinois Municipal Code is amended by changing Section 11-12-5 as follows:

(65 ILCS 5/11-12-5) (from Ch. 24, par. 11-12-5)

Sec. 11-12-5. Every plan commission and planning department authorized by this division 12 has the following powers and whenever in this division 12 the term plan commission is used such term shall be deemed to include the term planning department:

(1) To prepare and recommend to the corporate authorities a comprehensive plan for the present and future development or redevelopment of the municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan, or part thereof, of that municipality. This plan may include reasonable requirements with reference to streets, alleys, public grounds, and other improvements hereinafter specified. The plan, as recommended by the plan commission and as thereafter adopted in any municipality in this state, may be made applicable, by the terms thereof, to land situated within the corporate limits and contiguous territory not more than one and one-half miles beyond the corporate limits and not included in any municipality. Such plan may be implemented by ordinances (a) establishing reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined; (b) establishing reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, public libraries, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment; and (c) may designate land suitable for annexation to the municipality and the recommended zoning classification for such land upon annexation.

(2) To recommend changes, from time to time, in the official comprehensive plan.

(3) To prepare and recommend to the corporate authorities, from time to time, plans for specific improvements in pursuance of the official comprehensive plan.

(4) To give aid to the municipal officials charged with the direction of projects for improvements embraced within the official plan, to further the making of these projects, and, generally, to promote the realization of the official comprehensive plan.

(5) To prepare and recommend to the corporate authorities schemes for regulating or forbidding structures or activities which may hinder access to solar energy necessary for the proper functioning of solar energy systems, as defined in Section 1.2 of The Comprehensive Solar Energy Act of 1977, or to recommend changes in such schemes.

(6) To exercise such other powers germane to the powers granted by this article as may be conferred by the corporate authorities.

(7) For purposes of implementing ordinances regarding developer donations or impact fees, and specifically for expenditures thereof, "school grounds" is defined as including land or site improvements, which include school buildings or other infrastructure necessitated and specifically and uniquely attributed to the development or subdivision in question. This amendatory Act of the 93rd General Assembly applies to all impact fees or developer donations paid into a school district or held in a separate account or escrow fund by any school district or municipality for a school district.

(8) For purposes of implementing ordinances regarding developer donations or impact fees and only for the purpose of expenditures thereof, "public libraries" is defined as including land or site improvements, including library buildings or other infrastructure necessitated by and specifically and uniquely attributable to the development or subdivision in question. This amendatory Act of the 93rd General Assembly applies to all impact fees or developer donations paid into a public library or library district or held in a separate account or escrow fund by any public library or library district or municipality for a public library or library district.

(Source: P.A. 93-330, eff. 7-24-03.)

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

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 5891. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Registration & Regulation, adopted and printed:

AMENDMENT NO.   1  . Amend House Bill 5891 by replacing everything after the enacting clause with the following:

"Section 5. The Massage Licensing Act is amended by changing Sections 15 and 20 as follows:

(225 ILCS 57/15)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15. Licensure requirements.

(a) Beginning January 1, 2005, persons engaged in massage for compensation must be licensed by the Department. The Department shall issue a license to an individual who meets all of the following requirements:

(1) The applicant has applied in writing on the prescribed forms and has paid the required fees.

(2) The applicant is at least 18 years of age and of good moral character. In determining good moral character, the Department may take into consideration conviction of any crime under the laws of the United States or any state or territory thereof that is a felony or a misdemeanor or any crime that is directly related to the practice of the profession. Such a conviction shall not operate automatically as a complete bar to a license, except in the case of any conviction for prostitution, rape, or sexual misconduct, or where the applicant is a registered sex offender.

(3) The applicant has met one of the following requirements:

(A) has successfully completed the curriculum or curriculums of one or more massage therapy schools approved by the Department that require a minimum of 500 hours and has passed a competency examination approved by the Department;

(B) holds a current license from another jurisdiction having licensure requirements that meet or exceed those defined within this Act; or

(C) has moved to Illinois from a jurisdiction with no licensure requirement and has provided documentation that he or she has successfully passed the National Certification Board of Therapeutic Massage and Bodywork's examination or another massage therapist certifying examination approved by the Department and maintains current certification.

(b) Each applicant for licensure as a massage therapist shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or to a vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated vendor to provide his or her fingerprints in an alternative manner. The Department may adopt any rules necessary to implement this Section.

(Source: P.A. 92-860, eff. 6-1-03; 93-524, eff. 8-12-03.)

(225 ILCS 57/20)

(Section scheduled to be repealed on January 1, 2012)

Sec. 20. Grandfathering provision.

(a) For a period of one year after the effective date of the rules adopted under this Act, the Department may issue a license to an individual who, in addition to meeting the requirements set forth in paragraphs (1) and (2) of subsection (a) and subsection (b) of Section 15, produces proof that he or she has met at least one of the following requirements before the effective date of this Act:

(1) has been an active member, for a period of at least one year prior to the

application for licensure, of a national professional massage therapy organization established prior to the year 2000, which offers professional liability insurance and a code of ethics;

(2) has passed the National Certification Exam of Therapeutic Massage and Bodywork and has kept his or her certification current;

(3) has practiced massage therapy an average of at least 10 hours per week for at least 10 years; or

(4) has practiced massage therapy an average of at least 10 hours per week for at least one year prior to the effective date of this Act and has completed at least 100 hours of formal training in massage therapy.

(b) An applicant who can show proof of having engaged in the practice of massage therapy for at least 10 hours per week for a minimum of one year prior to the effective date of this Act and has less than 100 hours of formal training or has been practicing for less than one year with 100 hours of formal training must complete at least 100 additional hours of formal training consisting of at least 25 hours in anatomy and physiology by January 1, 2005.

(c) An applicant who has training from another state or country may qualify for a license under subsection (a) by showing proof of meeting the requirements of that state or country and demonstrating that those requirements are substantially the same as the requirements in this Section.

(d) For purposes of this Section, "formal training" means a massage therapy curriculum approved by the Illinois State Board of Education or the Illinois Board of Higher Education or course work provided by continuing education sponsors approved by the Department.

(Source: P.A. 92-860, eff. 6-1-03; 93-524, eff. 8-12-03.)".

Representative Jefferson offered the following amendment and moved its adoption:

AMENDMENT NO.   2  . Amend House Bill 5891, AS AMENDED, immediately below Section 5, by inserting the following:

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

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 4450. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Consumer Protection, adopted and printed:

AMENDMENT NO.   1  . Amend House Bill 4450 by replacing everything after the enacting clause with the following:

"Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, or paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code, or the Automatic Contract Renewal Act commits an unlawful practice within the meaning of this Act.

(Source: P.A. 92-426, eff. 1-1-02; 93-561, eff. 1-1-04.)

Section 10. The Automatic Contract Renewal Act is amended by changing Sections 10 and 15 as follows:

(815 ILCS 601/10)

Sec. 10. Automatic renewal; requirements.

(a) Any person, firm, partnership, association, or corporation that sells or offers to sell any products or services for a specified period of time pursuant to a written contract that contains an automatic renewal provision effective at the end of the specified period of time must: (1) disclose such automatic renewal provision clearly and conspicuously in the contract, including the cancellation procedure; and (2) provide the recipient of the products or services, at least 30 days but no more than 60 days, prior to the end of the specified period of time, with a clear and conspicuous written notice that the recipient may cancel the contract. Notice must include the procedure for cancellation. If the contract is less than 30 days in duration, the contract must contain a clear and conspicuous written notice of the right to cancel the contract and the procedure for cancellation. If notice is not provided to the recipient in accordance with the provisions of this Section, any products or services furnished to the recipient after the end of the period of time specified in the contract shall be deemed an unconditional gift.

If a contract is subject to automatic renewal, the clause providing for automatic renewal must appear in the contract in a clear and conspicuous manner.

(b) Any person, firm, partnership, association, or corporation that automatically withdraws or charges a consumer's account for any product or service for a specified period of time shall obtain the consumer's written authorization to continue any automatic withdrawal or charge beyond the specified period.

(Source: P.A. 91-674, eff. 6-1-00.)

(815 ILCS 601/15)

Sec. 15. Violation. If a contract does not comply with this Act, the automatic renewal provisions are not enforceable by a party who prepared the contract or directed its preparation. In addition to any other penalties specified in this Act, a violation of this Act constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act.

(Source: P.A. 91-674, eff. 6-1-00.)"

Representative Kelly offered the following amendment and moved its adoption:

AMENDMENT NO.   2  . Amend House Bill 4450, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, or paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code, or the Automatic Contract Renewal Act commits an unlawful practice within the meaning of this Act.

(Source: P.A. 92-426, eff. 1-1-02; 93-561, eff. 1-1-04.)

Section 10. The Automatic Contract Renewal Act is amended by changing Sections 10, 15, and 20 as follows:

(815 ILCS 601/10)

Sec. 10. Automatic renewal; requirements.

(a) Any person, firm, partnership, association, or corporation that sells or offers to sell any products or services on a contract basis to a consumer for services and goods intended for personal use and consumption that automatically withdraws or charges a consumer's account for any product or service for a specified term longer than 12 months shall obtain the consumer's written authorization to continue any automatic withdrawal or charge if the contract automatically renews for a term equal to or longer than the original term. If a contract is subject to automatic renewal, the clause providing for automatic renewal must appear in the contract in a clear and conspicuous manner.

(b) This Section does not apply to banks, trust companies, savings and loan associations, savings banks,

or credit unions licensed or organized under the laws of any state or of the United States, any foreign bank maintaining a branch or agency licensed or organized under the laws of any state or the United States and licensed under the Consumer Installment Loan Act, or any subsidiary or affiliate, and to any product or service required to be offered by tariff subject to the jurisdiction of the Illinois Commerce Commission.

(Source: P.A. 91-674, eff. 6-1-00.)

(815 ILCS 601/15)

Sec. 15. Violation. If a contract does not comply with this Act, the automatic renewal provisions are not enforceable by a party who prepared the contract or directed its preparation. In addition to any other penalties specified in this Act, a violation of this Act constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act.

(Source: P.A. 91-674, eff. 6-1-00.)

(815 ILCS 601/20)

Sec. 20. Applicability.

(a) This Act does not apply to a contract entered into before the effective date of this Act.

(b) This amendatory Act of the 93rd General Assembly does not apply to a contract entered into before the effective date of this amendatory Act of the 93rd General Assembly.

(Source: P.A. 91-674, eff. 6-1-00.)".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been printed, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 3893.

### **HOUSE BILLS ON THIRD READING**

The following bills and any amendments adopted thereto were printed and laid upon the Members' desks. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Feigenholtz, HOUSE BILL 5057 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 112, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 24)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Smith, HOUSE BILL 4944 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 99, Yeas; 0, Nays; 13, Answering Present.

(ROLL CALL 25)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

### **ACTION ON MOTIONS**

Representative Rita asked and obtained unanimous consent to table House Bill 4817.

The motion prevailed.



Representative Bassi asked and obtained unanimous consent to table House Bill 4810.

The motion prevailed.

Representative Froehlich asked and obtained unanimous consent to table House Bill 4763.

The motion prevailed.

Representative Jefferson asked and obtained unanimous consent to table House Bill 4572.

The motion prevailed.

### **HOUSE BILL ON SECOND READING**

HOUSE BILL 5925. Having been read by title a second time on March 25, 2004, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

### **ADJOURNMENT RESOLUTION**

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

#### **SENATE JOINT RESOLUTION NO. 68**

**RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN**, that when the two Houses adjourn on Friday, March 26, 2004, the Senate stands adjourned until Tuesday, March 30, 2004 at 12:00 o'clock noon; and the House of Representatives stands adjourned until Monday, March 29, 2004, at 4:00 o'clock p.m.

Adopted by the Senate, March 26, 2004.

Linda Hawker, Secretary of the Senate

Representative Currie asked and obtained unanimous consent to suspend the provisions of Rule 25 for the immediate consideration of the foregoing message from the Senate reporting their adoption of SENATE JOINT RESOLUTION 68.

Representative Currie then moved the adoption of the resolution.

The motion prevailed and SENATE JOINT RESOLUTION 68 was adopted.

Ordered that the Clerk inform the Senate.

At the hour of 2:12 o'clock p.m., Representative Currie moved that the House do now adjourn.

The motion prevailed.

And in accordance therewith and pursuant to SENATE JOINT RESOLUTION 68, the House stood adjourned until Monday, March 29, 2004, at 4:00 o'clock p.m.

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 QUORUM ROLL CALL FOR ATTENDANCE

March 26, 2004

0 YEAS

0 NAYS

112 PRESENT

P Acevedo	P Delgado	P Kurtz	P Phelps
P Aguilar	P Dugan	E Lang	P Pihos
P Bailey	P Dunkin	P Leitch	P Poe
P Bassi	P Dunn	P Lindner	P Pritchard
P Beaubien	P Eddy	P Lyons, Eileen	P Reitz
P Bellock	P Feigenholtz	P Lyons, Joseph	P Rita
P Berrios	P Flider	P Mathias	P Rose
P Biggins	P Flowers	P Mautino	P Ryg
P Black	P Franks	P May	P Sacia
P Boland	A Fritchey	P McAuliffe	P Saviano
P Bost	P Froehlich	P McCarthy	P Schmitz
P Bradley, John	E Giles	P McGuire	P Scully
P Bradley, Richard	P Gordon	P McKeon	P Slone
P Brady	P Graham	P Mendoza	P Smith
P Brauer	P Granberg	P Meyer	P Sommer
P Brosnahan	P Grunloh	P Miller	P Soto
E Burke	P Hamos	P Millner	P Stephens
P Capparelli	P Hannig	P Mitchell, Bill	P Sullivan
P Chapa LaVia	P Hassert	P Mitchell, Jerry	P Tenhouse
P Churchill	P Hoffman	P Moffitt	P Turner
P Collins	P Holbrook	P Molaro	P Verschoore
P Colvin	P Howard	P Morrow	P Wait
P Coulson	P Hultgren	P Mulligan	P Washington
P Cross	P Jakobsson	P Munson	P Watson
P Cultra	P Jefferson	P Myers	P Winters
P Currie	P Jones	P Nekritz	P Yarbrough
P Daniels	P Joyce	P Osmond	P Younge
P Davis, Monique	P Kelly	E Osterman	P Mr. Speaker
P Davis, Steve	E Kosel	P Pankau	
P Davis, William	P Krause	P Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4400  
 PROP TAX-VETERAN ORG-FREEZE  
 THIRD READING  
 PASSED

March 26, 2004

112 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 4688  
GROW OUR OWN TEACHER EDUC ACT  
THIRD READING  
PASSED

March 26, 2004

84 YEAS

0 NAYS

28 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	P Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	P Dunn	Y Lindner	P Pritchard
P Beaubien	P Eddy	P Lyons, Eileen	Y Reitz
P Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	P Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
P Black	Y Franks	Y May	P Sacia
Y Boland	A Fritchey	P McAuliffe	Y Saviano
P Bost	Y Froehlich	Y McCarthy	P Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	P Stephens
Y Capparelli	Y Hannig	P Mitchell, Bill	P Sullivan
Y Chapa LaVia	P Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	P Wait
P Coulson	P Hultgren	Y Mulligan	Y Washington
P Cross	Y Jakobsson	Y Munson	P Watson
P Cultra	Y Jefferson	Y Myers	P Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	P Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	P Pankau	
Y Davis, William	P Krause	P Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 4410  
OPTOMETRIC PRACT-CIVIL PENALTY  
THIRD READING  
PASSED

March 26, 2004

112 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 6739  
 HUMAN RIGHTS TRAINING FEE  
 THIRD READING  
 LOST

March 26, 2004

46 YEAS

65 NAYS

1 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	N Phelps
N Aguilar	N Dugan	E Lang	N Pihos
Y Bailey	Y Dunkin	N Leitch	N Poe
N Bassi	N Dunn	N Lindner	N Pritchard
N Beaubien	N Eddy	N Lyons, Eileen	Y Reitz
N Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	N Flider	N Mathias	N Rose
N Biggins	Y Flowers	Y Mautino	N Ryg
N Black	N Franks	Y May	N Sacia
Y Boland	A Fritchey	N McAuliffe	N Saviano
N Bost	N Froehlich	Y McCarthy	N Schmitz
N Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	N Gordon	P McKeon	N Slone
N Brady	Y Graham	Y Mendoza	Y Smith
N Brauer	Y Granberg	N Meyer	N Sommer
Y Brosnahan	N Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	N Millner	N Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	N Sullivan
N Chapa LaVia	N Hassert	N Mitchell, Jerry	N Tenhouse
N Churchill	Y Hoffman	N Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	N Verschoore
Y Colvin	Y Howard	Y Morrow	N Wait
N Coulson	N Hultgren	N Mulligan	Y Washington
N Cross	N Jakobsson	N Munson	N Watson
N Cultra	N Jefferson	N Myers	N Winters
Y Currie	Y Jones	N Nekritz	Y Yarbrough
N Daniels	Y Joyce	N Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
N Davis, Steve	E Kosel	N Pankau	
Y Davis, William	N Krause	N Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 3821  
 BOAT SAFETY-ACCIDENT REPORTS  
 THIRD READING  
 PASSED

March 26, 2004

112 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 3963  
 AFRICAN-AMERICAN CLNICAL TRIALS  
 THIRD READING  
 PASSED

March 26, 2004

112 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence



STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4280  
 MUNI CD-SPECIAL ASSESSMENT  
 THIRD READING  
 PASSED

March 26, 2004

96 YEAS

15 NAYS

1 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
N Bassi	Y Dunn	Y Lindner	P Pritchard
Y Beaubien	N Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	N Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
N Black	Y Franks	Y May	N Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
N Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	N Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	N Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	N Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	N Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	N Watson
N Cultra	Y Jefferson	N Myers	N Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4132  
 CONVEYANCE ACT-PERMIT ISSUANCE  
 THIRD READING  
 PASSED

March 26, 2004

112 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4346  
 VEH CD-FARM VEH-FLASHERS  
 THIRD READING  
 PASSED

March 26, 2004

112 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 4720  
HORSE RACING \$-LAKEVIEW MUSEUM  
THIRD READING  
PASSED

March 26, 2004

112 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 4318  
MARRIAGE ACT-GRANDPARENT VISIT  
THIRD READING  
PASSED

March 26, 2004

109 YEAS

3 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	N Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	N Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
N Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 4502  
MHDD-MEDICAID-SERVICES  
THIRD READING  
PASSED

March 26, 2004

112 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 6906  
 SCH CD-QUALIFIED TEACHERS-NCLB  
 THIRD READING  
 PASSED

March 26, 2004

112 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 4716  
PROPERTY & MOBILE HOME TAXES  
THIRD READING  
PASSED

March 26, 2004

111 YEAS

1 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence



STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 4914  
COLLEGE SAVINGS  
THIRD READING  
PASSED

March 26, 2004

112 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5165  
FOI-PROTECT PERSONAL INFO  
THIRD READING  
PASSED

March 26, 2004

112 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4351  
 PROP TX-APPORTIONMENT  
 THIRD READING  
 PASSED

March 26, 2004

66 YEAS

46 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	N Phelps
N Aguilar	N Dugan	E Lang	N Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
N Bassi	N Dunn	N Lindner	N Pritchard
Y Beaubien	N Eddy	Y Lyons, Eileen	N Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	N Flider	Y Mathias	N Rose
N Biggins	Y Flowers	Y Mautino	N Ryg
N Black	N Franks	N May	N Sacia
N Boland	A Fritchey	Y McAuliffe	Y Saviano
N Bost	Y Froehlich	Y McCarthy	N Schmitz
N Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	N Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	N Sommer
Y Brosnahan	N Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	N Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	Y Sullivan
N Chapa LaVia	Y Hassert	Y Mitchell, Jerry	N Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	N Holbrook	Y Molaro	N Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
N Coulson	N Hultgren	Y Mulligan	N Washington
Y Cross	N Jakobsson	N Munson	N Watson
N Cultra	N Jefferson	N Myers	N Winters
Y Currie	Y Jones	N Nekritz	Y Yarbrough
Y Daniels	N Joyce	Y Osmond	Y Younge
Y Davis, Monique	N Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	N Pankau	
Y Davis, William	Y Krause	N Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4894  
 PUBLIC HEALTH-FLU VACCINE  
 THIRD READING  
 PASSED

March 26, 2004

110 YEAS

1 NAYS

1 PRESENT

Y Acevedo	Y Delgado	N Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
P Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5014  
PROP TX-REVISED ASSESSMENTS  
THIRD READING  
PASSED

March 26, 2004

112 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5129  
ALTERNATE FUELS-DATABASE  
THIRD READING  
PASSED

March 26, 2004

112 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4476  
 PUBLIC AID-STDS OF PAYMENT  
 THIRD READING  
 PASSED

March 26, 2004

112 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5067  
CNTY CD-PROPERTY TRANSFER  
THIRD READING  
PASSED

March 26, 2004

112 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence



STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 5057  
AGING-COMM REINTEGRATION ASST  
THIRD READING  
PASSED

March 26, 2004

112 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 4944  
SCH CD-TECH IMMERSION PROJECT  
THIRD READING  
PASSED

March 26, 2004

99 YEAS

0 NAYS

13 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	E Lang	P Pihos
Y Bailey	Y Dunkin	Y Leitch	P Poe
Y Bassi	P Dunn	Y Lindner	P Pritchard
Y Beaubien	P Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
P Black	Y Franks	Y May	Y Sacia
Y Boland	A Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	E Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	P Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
E Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	P Wait
Y Coulson	P Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
P Cultra	Y Jefferson	Y Myers	Y Winters
P Currie	Y Jones	Y Nekritz	Y Yarbrough
P Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	E Osterman	Y Mr. Speaker
Y Davis, Steve	E Kosel	Y Pankau	
Y Davis, William	Y Krause	P Parke	

E - Denotes Excused Absence