

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-THIRD GENERAL ASSEMBLY

114TH LEGISLATIVE DAY

THURSDAY, APRIL 1, 2004

12:00 O'CLOCK NOON

**HOUSE OF REPRESENTATIVES
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The House met pursuant to adjournment.
 Speaker Madigan in the chair.
 Prayer by Reverend Michael Tetmeyer with the First Pentecostal Church in Herrin, IL.
 Representative Hoffman 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:
 118 present. (ROLL CALL 1)

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Osmond replaced Representative Hassert, Representative Beaubien replaced Representative Black and Representative Lang replaced Representative Hannig in the Committee on Rules, for today only.

REPORT 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":

- Amendments numbered 2, 3 and 4 to HOUSE BILL 4099.
- Amendment No. 2 to HOUSE BILL 4195.
- Amendment No. 1 to HOUSE BILL 4197.
- Amendment No. 4 to HOUSE BILL 4225.
- Amendment No. 2 to HOUSE BILL 4211.
- Amendment No. 3 to HOUSE BILL 4302.
- Amendment No. 2 to HOUSE BILL 4501.
- Amendment No. 3 to HOUSE BILL 4481.
- Amendment No. 2 to HOUSE BILL 4635.
- Amendment No. 1 to HOUSE BILL 4640.
- Amendment No. 1 to HOUSE BILL 4723.
- Amendment No. 1 to HOUSE BILL 4744.
- Amendment No. 4 to HOUSE BILL 4837.
- Amendment No. 1 to HOUSE BILL 4929.
- Amendment No. 1 to HOUSE BILL 5023.
- Amendment No. 2 to HOUSE BILL 5130.
- Amendment No. 2 to HOUSE BILL 5164.
- Amendment No. 1 to HOUSE BILL 6769.
- Amendments numbered 2 and 3 to HOUSE BILL 6983.
- Motion to Table Amendment No. 1 to HOUSE BILL 5345.

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 Black,William(R) (Beaubien) |
| Y Hannig,Gary(D) | Y Hassert,Brent(R), Rep. Spokesperson (Osmond) |
| A Turner,Arthur(D) | |

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

Motion to Table Amendment No. 1 to HOUSE BILL 4650.

That the resolution be reported "recommends be adopted" and be placed on the House Calendar:
 HOUSE RESOLUTION 793.

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 | A Black,William(R) |
| Y Hannig,Gary(D) (Lang) | Y Hassert,Brent(R), Republican Spokesperson |
| Y Turner,Arthur(D) | |

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:

Elementary & Secondary Education: HOUSE AMENDMENT No. 1 to HOUSE BILL 6138.

Executive: HOUSE AMENDMENT No. 2 to HOUSE BILL 5875.

Financial Institutions: HOUSE AMENDMENT No. 1 to HOUSE BILL 5056.

MOTIONS SUBMITTED

Representative John Bradley submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 2 to HOUSE BILL 621.

Representative Collins submitted the following written motion, which was placed in the Committee on Rules:

MOTION

I move to table Amendment 1 to HOUSE BILL 4650.

FISCAL NOTES SUPPLIED

Fiscal Notes have been supplied for HOUSE BILLS 4481, as amended, 4883, as amended, 4953, as amended, 4975, 5823, as amended, 6394, as amended, and 6983, as amended.

STATE DEBT IMPACT NOTE SUPPLIED

A State Debt Impact Note has been supplied for HOUSE BILL 5823, as amended.

HOUSING AFFORDABILITY IMPACT NOTES SUPPLIED

Housing Affordability Impact Notes have been supplied for HOUSE BILLS 4501, as amended, 5056, as amended, 5823, as amended, and 6632, as amended.

JUDICIAL NOTES SUPPLIED

Judicial Notes have been supplied for HOUSE BILLS 4883, as amended, and 4975.

CORRECTIONAL NOTES SUPPLIED

Correctional Notes have been supplied for HOUSE BILLS 2380, as amended, 4501, as amended, 4963, 4975, and 6632, as amended.

LAND CONVEYANCE APPRAISAL NOTE SUPPLIED

A Land Conveyance Appraisal Note has been supplied for HOUSE BILL 4975.

BALANCED BUDGET NOTES SUPPLIED

Balanced Budget Notes have been supplied for HOUSE BILLS 4501, 4723, 4975, and 5000, as amended.

HOME RULE NOTES SUPPLIED

Home Rule Notes have been supplied for HOUSE BILLS 5056, as amended, and 5823, as amended.

STATE MANDATES FISCAL NOTES SUPPLIED

State Mandates Fiscal Notes have been supplied for HOUSE BILLS 4883, as amended, 5056, as amended, and 5823, as amended.

REQUEST FOR FISCAL NOTE

Representative Black requested that a Fiscal Note be supplied for HOUSE BILL 4883, as amended.
Representative McKeon requested that a Fiscal Note be supplied for HOUSE BILL 4015, as amended.
Representative Jones requested that a Fiscal Note be supplied for HOUSE BILL 5000, as amended.

REQUEST FOR STATE MANDATES FISCAL NOTES

Representative Black requested that State Mandates Fiscal Notes be supplied for HOUSE BILLS 4622, and 4883, as amended.
Representative Giles requested that a State Mandates Fiscal Note be supplied for HOUSE BILL 5000, as amended.

REQUEST FOR JUDICIAL NOTE

Representative Parke requested that a Judicial Note be supplied for HOUSE BILL 4883, as amended.

REQUEST FOR STATE DEBT IMPACT NOTE

Representative Giles requested that a State Debt Impact Note be supplied for HOUSE BILL 4015, as amended.
Representative Giles requested that a State Debt Impact Note be supplied for HOUSE BILL 5000, as amended.

REQUEST FOR HOME RULE NOTE

Representative Giles requested that a Home Rule Note be supplied for HOUSE BILL 4015, as amended.

FISCAL NOTE WITHDRAWN

Representative Flowers withdrew her request for a Fiscal Note on HOUSE BILL 4975.

BALANCED BUDGET NOTE WITHDRAWN

Representative Flowers withdrew her request for a Balanced Budget Note on HOUSE BILL 4975.

Representative Flowers withdrew her request for a Balanced Budget Note on HOUSE BILL 4723.

CORRECTIONAL NOTE WITHDRAWN

Representative Flowers withdrew her request for a Correctional Note on HOUSE BILL 4975.
Representative Flowers withdrew her request for a Correctional Note on HOUSE BILL 4723.

HOUSING AFFORDABILITY IMPACT NOTE WITHDRAWN

Representative Flowers withdrew her request for a Housing Affordability Impact Note on HOUSE BILL 4975.

JUDICIAL NOTE WITHDRAWN

Representative Flowers withdrew her request for a Judicial Note on HOUSE BILL 4975.

LAND CONVEYANCE APPRAISAL NOTE WITHDRAWN

Representative Flowers withdrew her request for a Land Conveyance Appraisal Note on HOUSE BILL 4975.

Representative Flowers withdrew her request for a Land Conveyance Appraisal Note on HOUSE BILL 4723.

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. 948

A bill for AN ACT in relation to criminal law.

SENATE BILL NO. 2112

A bill for AN ACT in relation to taxes.

SENATE BILL NO. 2147

A bill for AN ACT concerning fire safety.

SENATE BILL NO. 2287

A bill for AN ACT concerning courts.

SENATE BILL NO. 2349

A bill for AN ACT regarding schools.

SENATE BILL NO. 2907

A bill for AN ACT concerning consumer protection.

Passed by the Senate, March 31, 2004.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILLS 948, 2112, 2147, 2287, 2349 and 2907 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 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. 71

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 Thursday, April 01, 2004, the Senate stands adjourned until Tuesday, April 06, 2004, in perfunctory session; and when it adjourns on that day, it stands adjourned until Thursday, April 15, 2004, in perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, April 20, 2004, at 12:00 o'clock noon; and the House of Representatives stands adjourned until Friday, April 02, 2004, at 10:00 o'clock a.m., and when it adjourns on that day, it stands adjourned until Tuesday, April 20, 2004.

Adopted by the Senate, April 1, 2004.

Linda Hawker, Secretary of the Senate

The foregoing message from the Senate reporting their adoption of SENATE JOINT RESOLUTION 71 was taken up for immediate consideration.

REPORTS FROM STANDING COMMITTEES

Representative Delgado, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 4949.

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 4426.

The committee roll call vote on House Bill 4949 is as follows:
10, Yeas; 0, Nays; 0, Answering Present.

- | | |
|--------------------------------------|--|
| Y Delgado,William(D), Co-Chairperson | Y Bailey,Patricia(D) |
| A Bradley,Richard(D) | Y Collins,Annazette(D) |
| Y Gordon,Careen(D) | Y Howard,Constance(D) |
| A Jones,Lovana(D) | Y Lindner,Patricia(R), Republican Spokesperson |
| Y Lyons,Eileen(R) | Y Millner,John(R) |
| Y Rose,Chapin(R) | Y Sacia,Jim(R) |
| A Wait,Ronald(R) | |

The committee roll call vote on Amendment No. 1 to House Bill 4426 is as follows:
11, Yeas; 0, Nays; 0, Answering Present.

- | | |
|--------------------------------------|--|
| Y Delgado,William(D), Co-Chairperson | Y Bailey,Patricia(D) |
| A Bradley,Richard(D) | Y Collins,Annazette(D) |
| Y Gordon,Careen(D) | Y Howard,Constance(D) |
| A Jones,Lovana(D) | Y Lindner,Patricia(R), Republican Spokesperson |
| Y Lyons,Eileen(R) | Y Millner,John(R) |
| Y Rose,Chapin(R) | Y Sacia,Jim(R) |

Y Wait,Ronald(R)

Representative Brosnahan, 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 2380.

The committee roll call vote on Amendment No. 2 to House Bill 2380 is as follows:

6, Yeas; 1, Nays; 2, Answering Present.

Y Brosnahan,James(D), Chairperson	P Churchill,Robert(R)
Y McCarthy,Kevin(D), Vice-Chairperson	Y McGuire,Jack(D)
Y Mendoza,Susana(D)	A Millner,John(R)
N Parke,Terry(R)	P Pihos,Sandra(R)
Y Rita,Robert(D) (Morrow)	A Tenhouse,Art(R), Republican Spokesperson
Y Washington,Eddie(D)	

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 HOUSE BILL 4374.

Amendment No. 1 to HOUSE BILL 4883.

The committee roll call vote on Amendment No. 1 to House Bill 4374 is as follows:

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

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

The committee roll call vote on Amendment No. 1 to House Bill 4883 is as follows:

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

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

Representative Scully, Chairperson, from the Committee on Commerce & Business 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 4285.

The committee roll call vote on Amendment No. 1 to House Bill 4285 is as follows:

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

Y Scully,George(D), Chairperson	Y Aguilar,Frank(R)
Y Bradley,John(D)	Y Chapa LaVia,Linda(D)

A Dugan,Lisa(D)
 Y Flider,Robert(D)
 Y Gordon,Careen(D)
 Y Kelly,Robin(D)
 Y Mitchell,Jerry(R)
 Y Pihos,Sandra(R)
 Y Sacia,Jim(R)
 Y Watson,Jim(R), Republican Spokesperson
 Y Younge,Wyvetter(D)

A Dunkin,Kenneth(D), Vice-Chairperson
 Y Flowers,Mary(D)
 Y Grunloh,William(D)
 Y Miller,David(D)
 Y Moffitt,Donald(R)
 Y Poe,Raymond(R)
 A Soto,Cynthia(D)
 A Winters,Dave(R)

Representative Saviano, Chairperson, from the Committee on Registration & Regulation 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 4436.

Amendment No. 1 to HOUSE BILL 5892.

The committee roll call vote on Amendment No. 2 to House Bill 4436 is as follows:

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

Y Saviano,Angelo(R), Chairperson
 A Burke,Daniel(D)
 Y Davis,Monique(D)
 Y Fritchey,John(D), Vice-Chairperson
 A Kosel,Renee(R)
 A Lyons,Eileen(R)
 Y Millner,John(R)
 Y Reitz,Dan(D)

Y Bradley,Richard(D)
 A Coulson,Elizabeth(R), Republican Spokesperson
 Y Davis,Steve(D) (Mautino)
 Y Granberg,Kurt(D)
 A Krause,Carolyn(R)
 Y McAuliffe,Michael(R)
 A Mulligan,Rosemary(R)
 Y Sullivan,Ed(R)

The committee roll call vote on Amendment No. 1 to House Bill 5892 is as follows:

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

Y Saviano,Angelo(R), Chairperson
 A Burke,Daniel(D)
 Y Davis,Monique(D)
 Y Fritchey,John(D), Vice-Chairperson
 A Kosel,Renee(R)
 A Lyons,Eileen(R)
 Y Millner,John(R)
 Y Reitz,Dan(D)

Y Bradley,Richard(D)
 Y Coulson,Elizabeth(R), Republican Spokesperson
 Y Davis,Steve(D) (Mautino)
 A Granberg,Kurt(D)
 A Krause,Carolyn(R)
 Y McAuliffe,Michael(R)
 A Mulligan,Rosemary(R)
 Y Sullivan,Ed(R)

Representative Giles, Chairperson, from the Committee on Elementary & Secondary Education 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 6138.

The committee roll call vote on Amendment No. 1 to House Bill 6138 is as follows:

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

Y Giles,Calvin(D), Chairperson
 Y Collins,Annazette(D)
 Y Currie,Barbara(D)
 Y Eddy,Roger(R)
 Y Kosel,Renee(R), Republican Spokesperson
 Y Miller,David(D)
 Y Moffitt,Donald(R) (Beaubien)

Y Bassi,Suzanne(R)
 A Colvin,Marlow(D)
 Y Davis,Monique(D), Vice-Chairperson
 A Joyce,Kevin(D)
 Y Krause,Carolyn(R)
 Y Mitchell,Jerry(R)
 Y Mulligan,Rosemary(R) (Osmond)

Y Osterman,Harry(D)
Y Watson,Jim(R)

Y Smith,Michael(D)
Y Yarbrough,Karen(D)

Representative Burke, 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 5875.

Amendment No. 1 to HOUSE BILL 6866.

The committee roll call vote on Amendment No 2 to House Bill 5875 and Amendment No. 1 to 6866 is as follows:

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

Y Burke,Daniel(D), Chairperson
Y Biggins,Bob(R)
Y Capparelli,Ralph(D)
Y Jones,Lovana(D)
Y Molaro,Robert(D)
A Saviano,Angelo(R)

Y Acevedo,Edward(D)
Y Bradley,Richard(D), Vice-Chairperson
Y Hassert,Brent(R)
Y McKeon,Larry(D)
Y Pankau,Carole(R), Republican Spokesperson
Y Winters,Dave(R)

CHANGE OF SPONSORSHIP

Representative Flowers asked and obtained unanimous consent to be removed as chief sponsor and Representative Saviano asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 4436.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative John Bradley asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 5416.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative John Bradley asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 621.

Representative Cross asked and obtained unanimous consent to be removed as chief sponsor and Representative Daniels asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 6013.

RESOLUTIONS

The following resolutions were offered and placed in the Committee on Rules.

HOUSE RESOLUTION 775

Offered by Representative Richard Bradley:

WHEREAS, America's economy is in the midst of change and redirection; and

WHEREAS, The skills and knowledge of Illinois' workforce are one of the State's most valuable resources; and

WHEREAS, Illinois must meet the ever-increasing demand for a competitive and productive workforce; and

WHEREAS, Illinois' economic prosperity and growth are critically linked to the performance of its workforce; and

WHEREAS, The availability of a skilled workforce will increasingly influence corporate expansion and relocation; and

WHEREAS, Illinois' local governments, its counties and municipalities, are the primary delivery system for job training, job placement, and workforce preparation services for the citizens and businesses of our

State; and

WHEREAS, A statewide workforce summit meeting of chief local elected officials, hosted by Chicago Mayor Richard M. Daley, culminated in the Illinois Workforce Resolution, signed by chief local elected officials representing the 26 Local Workforce Investment Areas that blanket Illinois; and

WHEREAS, The Illinois Workforce Resolution emphasizes the critical importance of preserving local decision-making in workforce development programs and these principles were incorporated by Congress into the federal Workforce Investment Act of 1998; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the following core principles should be maintained in the upcoming reauthorization of the Workforce Investment Act and implemented by State departments and agencies in the creation and operation of workforce development programs, whether through legislation or regulatory and administrative modifications; and be it further

RESOLVED, That America's workforce development system must continue to recognize the value of local decision-making, and that workforce development activities in Illinois recognize the unique character of each of the State's 26 Local Workforce Investment Areas, and fully support the authority and accountability of chief local elected officials for the direction and oversight of workforce programs in their jurisdictions; and be it further

RESOLVED, That the system should offer comprehensive services, universal access, and life-long learning possibilities for both employers and individuals; and that localities must have the flexibility and freedom to integrate programs and tailor services to meet these needs; and be it further

RESOLVED, That the public/private partnership concept that has worked so effectively under the guidance of chief local elected officials, including business, education and civic leaders, should continue as the cornerstone of the workforce preparation system, to meet the challenge of creating job opportunities for every Illinois resident; and be it further

RESOLVED, That needs-based funding should be maintained in allocating Federal and State financial resources to localities for workforce development, taking into account the unemployed, underemployed, dislocated workers and at-risk youth; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the President Pro Tempore and Minority Leader of the United States Senate, to the Speaker of the House and Minority Leader of the United States House of Representatives, to each member of the Illinois Congressional' Delegation, and to Illinois Governor Rod Blagojevich.

HOUSE RESOLUTION 777

Offered by Representative Jones:

WHEREAS, Postpartum depression (PPD) is a condition that describes a range of physical and emotional changes that some mothers experience after having a baby; and

WHEREAS, Postpartum depression can happen a few days or even months after childbirth; PPD affects between 10 to 28 percent of women; it can happen after the birth of any child; a woman can have feelings similar to the baby blues, but she feels them much more strongly; when a woman's ability to function is affected, it is a sure sign that she needs to see her health care provider right away; and

WHEREAS, Low thyroid levels can cause symptoms that can feel like depression, such as mood swings, fatigue, agitation, insomnia, and anxiety; thyroid levels can drop sharply after birth which leads to postpartum depression; and

WHEREAS, The Melanie Stokes Foundation Inc. is a Chicago-based nonprofit organization that provides support for those affected by PPD and strives to increase public awareness on how to recognize symptoms of PPD; and

WHEREAS, Making citizens aware of postpartum psychosis, a very serious mental illness which occurs in about one in 1,000 new mothers can prompt quick treatment and medication; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we support the efforts of the Melanie Stokes Foundation; and be it further

RESOLVED, That we urge the Department of Public Health to institute a program to heighten public awareness of PPD and the availability of resources that can help those with PPD; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Melanie Stokes Foundation Inc.

and to the Director of Public Health.

HOUSE RESOLUTION 778

Offered by Representative McGuire:

WHEREAS, It has been proven that quality childcare and early education for children is critical in determining a child's future success in school and life; and

WHEREAS, There are more than 1.1 million children in Illinois under the age of five and about 60% or 600,000 of these children have working parents and are cared for during the day by another adult; and

WHEREAS, It is essential that the State of Illinois take a leadership role in improving the childcare and early education options available for Illinois families; and

WHEREAS, Early childhood workers and home providers play a crucial role in providing high-quality experiences for young children; and

WHEREAS, Currently over 55,000 childcare and early education workers and home providers in Illinois care for over 195,000 low-income children in daycare homes and centers through the Illinois Childcare Assistance Program; and

WHEREAS, These workers and providers provide quality care to both meet the care and educational needs of young children and make it possible for approximately 97,000 low-income families to go to work; and

WHEREAS, The average wage for these workers and home providers is between \$2 and \$8.60 per hour depending on the care setting, and the majority of these childcare workers and home providers live below the poverty line; and

WHEREAS, The overwhelming majority of workers and home providers do not receive health coverage nor other benefits; and

WHEREAS, Turnover rates among these providers and workers range up to 44% due to the low wages and few benefits; and

WHEREAS, Monthly State reimbursements to childcare providers are frequently delayed by up to four months causing great hardship; and

WHEREAS, Currently the State provides little or no recognition or reward for training, education, and length of service for these providers; and

WHEREAS, Home child care providers are not currently permitted to bargain collectively over wages, benefits, and working conditions; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we will work with the Governor's Office to implement policies which attempt to achieve the following goals: (1) that all families have the right to accessible, affordable, quality childcare; (2) that all children, parents, workers, and providers who receive and provide child care are treated with fairness, dignity, and respect; (3) that all home child care providers and childcare workers have the right to join or form a union in order to bargain collectively; (4) that all home child care providers and childcare workers have the right to earn a living wage and receive benefits such as paid vacation, sick days, and holidays, affordable health insurance, and a secure retirement; and (5) that all providers have the right to be reimbursed by the State in a timely fashion to ensure that children receive the services they need; and be it further

RESOLVED, That a copy of this resolution be presented to Governor Rod Blagojevich and the Illinois Childcare Assistance Program.

HOUSE JOINT RESOLUTION 74

Offered by Representative Nekritz:

WHEREAS, Manufactured homes, frequently known as mobile homes, are a major source of housing for older Americans; in 2001, it was estimated that there were 7.2 million housing units occupied year round as a primary residence; this represents 7% of the nation's occupied housing; and

WHEREAS, Illinois has approximately 2,000 manufactured home communities that house over 300,000 residents; of the 300,000 residents in Illinois approximately 50% are in the age group of 55 and older; and

WHEREAS, Unlike conventional standard housing, which is permanently affixed to the land on which it is built, manufactured housing does not require a permanent foundation; manufactured housing ownership does not necessarily imply ownership on the land; and

WHEREAS, Mobile home park owners are non-subsidized providers of low to moderate income housing; and

WHEREAS, Most homes are in land-leased communities, and there are advantages and disadvantages that come with owning a home but not the land on which it is located; one advantage is that low and moderate income households who cannot afford to acquire land, especially in high cost markets, can still buy and build equity in a home; disadvantages include the cost and risk of moving a manufactured home from one rental community to another, making moving difficult; and

WHEREAS, Because of the dual ownership between the homeowner and the landowner, traditional laws relating to home ownership or apartment rental are inadequate to meet the unique needs of manufactured home rental; home ownership implies a number of legal rights relating to home equity and full use and enjoyment of the home; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there is created a Joint Task Force on Illinois Mobile Homes for the purpose of examining their special needs and making recommendations to the General Assembly concerning those needs as they relate to manufactured home communities and the rights of manufactured home owners; and be it further

RESOLVED, That the Joint Task Force on Illinois Mobile Homes shall consist of the following members: (i) 2 co-chairpersons who are members of the General Assembly, one of whom is appointed by the Speaker of the House and one of whom is appointed by the President of the Senate; and (ii) 2 spokespersons who are members of the General Assembly, one of whom is appointed by the Minority Leader of the House and one of whom is appointed by the Minority Leader of the Senate; and (iii) the Speaker of the House, the President of the Senate, the Minority Leader of the House, and the Minority Leader of the Senate may each appoint 4 additional members; and be it further

RESOLVED, That the members shall serve on a voluntary basis and shall be responsible for any costs associated with their participation in the Joint Task Force; and be it further

RESOLVED, That all members of the Joint Task Force shall be considered to be members with voting rights, that a quorum of the Joint Task Force shall consist of a simple majority of the members of the Joint Task Force, and that all actions and recommendations of the Joint Task Force be approved by a simple majority of the members of the Joint Task Force; and be it further

RESOLVED, That the Joint Task Force on Illinois Mobile Homes shall meet at the call of the chairpersons and shall summarize its findings and recommendations in a report to the General Assembly no later than September 30, 2004.

HOUSE RESOLUTION 793

Offered by Representative Franks:

WHEREAS, 138 years ago Brigham Young and more than 20,000 members of the Church of Jesus Christ of Latter-day Saints were expelled from the State of Illinois after the Illinois General Assembly withdrew its charter for the city of Nauvoo, Illinois in Hancock County in 1844; and

WHEREAS, During a period of seven years of Illinois history, from 1839 to 1846, Latter-day Saints built and developed the city of Nauvoo into the largest city in the State of Illinois and the tenth largest city in the nation; and

WHEREAS, The Church of Jesus Christ of Latter-day Saints was established by Joseph Smith in Fayette, New York on April 6, 1830; and

WHEREAS, The Mormon Prophet, Joseph Smith, led the community of Latter-day Saints from Fayette, New York to Kirtland, Ohio in 1831; and from Ohio to Independence, Missouri, in 1837; and

WHEREAS, Joseph Smith, a strong anti-slavery advocate, led his community of some 15,000 Latter-day Saints to the Mississippi River town of Nauvoo, in Illinois, following their expulsion from the slave State of Missouri in 1839; and

WHEREAS, Joseph Smith and the Latter-day Saints exercised enormous industry and effort in the development and growth of the town of Nauvoo, succeeding in creating a prosperous community in which they drained the local swamp lands and transformed them into productive agricultural and residential

environments; and

WHEREAS, Joseph Smith and the Latter-day Saints were given an extraordinary charter for the powers of home-rule by the Illinois General Assembly to create and preside over their own court system and also to maintain their own military force, second in size only to the United States Army; and

WHEREAS, Joseph Smith and the community of Latter-day Saints exercised extensive missionary activities which drew new Mormon settlers to the city Nauvoo, reaching a population of some 20,000 citizens by 1844; and

WHEREAS, The prevailing economic conditions of the nation in general, and Illinois in particular, faced a downturn in the early 1840s, with the result that the rapidly growing population of Nauvoo faced drastic levels of unemployment without success in attracting needed industry; and

WHEREAS, During the period of their residency in Nauvoo, Joseph Smith and his community of Latter-day Saints began as political Democrats, transferring their political allegiance to the Whig Party in both the elections of 1838 and 1840, before once again transferring their affiliations back to the Democratic Party in the election of 1842, until the establishment of the Reform Party by Smith in time for the election of 1844, when he began to seriously campaign for the office of President of the United States; and

WHEREAS, The expression of political authority and power within the community of Latter-day Saints was seen by many citizens in Illinois as reason for caution and concern, seeing the control of local courts by Joseph Smith as autocratic, and interpreting the leverage and influence of the Mormon community's voting strength as an over influential and forceful voting bloc; and

WHEREAS, Local religious customs among the Latter-day Saints began to be viewed with suspicion, bias and misunderstanding; and

WHEREAS, Following the destruction of a local anti-Mormon newspaper known as the Expositor, violence against the Latter-day Saint community increased; and

WHEREAS, The Governor of the State of Illinois, Thomas Ford, called out the Illinois Militia to keep order; and

WHEREAS, Governor Ford had the Prophet Joseph Smith and his brother, Hyrum Smith, jailed, on suspicion of complicity in the destruction of the Expositor, in the nearby town jail of Carthage, Illinois; and

WHEREAS, A violent mob stormed the Carthage jail on June 27, 1844, causing the deaths of Joseph and Hyrum Smith; and

WHEREAS, Between 1844 and 1845, violent acts against the community of Latter-day Saints increased in volume and intensity, demonstrated in such acts as the burning of crops, the destruction of homes and the threatened extermination of the entire Mormon population; and

WHEREAS, Faced with the extremism against the community of Latter-day Saints, Brigham Young, the new leader of the Nauvoo community made plans to take his people out of Illinois; and

WHEREAS, Beginning on February 4, 1846, Brigham Young began sending the community of Latter-day Saints out of their homeland of Nauvoo, Illinois across the frozen waters of the Mississippi River, in the largest forced migration in American history; and

WHEREAS, Brigham Young made an exodus from the State of Illinois, leading tens of thousands of men, women and children, together with livestock and wagons that stretched across the expansive winter horizon for miles; and

WHEREAS, In this Mormon exodus, Brigham Young and the community of Latter-day Saints left behind their life in Illinois and the shining city that they had fashioned from both their faith and the hard work of their hands; and

WHEREAS, Brigham Young and the community of Latter-day Saints set off in the midst of winter for Utah, some 1300 miles to the west; and

WHEREAS, The severity of the winter placed on Brigham Young and the community of Latter-day Saints extreme hardships, trudging across the Iowa Plains to the far side of that state where they made a winter camp; and

WHEREAS, In the Spring of 1847, Brigham Young and the community of Latter-day Saints began again their journey to Utah, beyond the Rocky Mountain Range, to the valley of the Great Salt Lake; and

WHEREAS, On July 24, 1847, Brigham Young and the community of Latter-day Saints arrived in that valley following a trek of more than five months, journeying across the heart of the American continent, from the heartbreak of events in Nauvoo, Illinois to a place of far-western refuge; and

WHEREAS, Within 50 years of their arrival in the territory of Utah, the community of Latter-day Saint became the 45th state in the Union on January 4, 1896; and

WHEREAS, The community of Latter-day Saints grew from a population of 250,000 at the end of the 19th century to a population of more than 11 million people in our present day; and

WHEREAS, The goodness, patriotism, high moral conduct, and generosity of the community of Latter-day Saints has enriched the landscape of the United States and the world; and

WHEREAS, The biases and prejudices of a less enlightened age in the history of the State of Illinois caused unmeasurable hardship and trauma for the community of Latter-day Saints by the distrust, violence, and inhospitable actions of a dark time in our past; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we acknowledge the disparity of those past actions and suspicions, regretting the expulsion of the community of Latter-day Saints, a people of faith and hard work.

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 2112, 2147, 2349, 2397, 2432, 2907 and 2908.

INTRODUCTION OF EXECUTIVE ORDERS

Having been printed, the following Executive Orders were taken up, read by title a first time and placed in the Committee on Rules:

2004-3

EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF CERTAIN PROGRAMS OF THE DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY AND THE DEPARTMENT OF REVENUE TO THE DEPARTMENT OF PUBLIC AID AND THE DEPARTMENT ON AGING

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes, in pertinent part (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

WHEREAS, the Department of Commerce and Economic Opportunity, the Department of Revenue, the Department of Public Aid and the Department on Aging are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 605 et seq., 20 ILCS 2505 et seq., 20 ILCS 2205 et seq. and 20 ILCS 105 et seq., respectively; and

WHEREAS, streamlining and consolidating certain programs of some of these agencies into other agencies offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, realize savings in administrative costs, promote more effective sharing of best practices and state of the art technology and realize other cost savings, among other things; and

WHEREAS, the Department of Commerce and Economic Opportunity administers a comprehensive low income energy assistance program ("LIHEAP") and the Illinois Home Weatherization Assistance program (collectively, with LIHEAP, "LIHEAP/Weatherization") which incorporate income assistance, home weatherization, and other measures to ensure that Illinois residents have access to affordable energy services; and

WHEREAS, the Illinois Department of Revenue administers the Circuit Breaker and Pharmaceutical Assistance Programs (the "Circuit Breaker/Pharmaceutical Programs") that provide grants and prescription medicines to senior citizens and disabled adults; and

WHEREAS, the aforementioned benefits of consolidation can be achieved by transferring (i) LIHEAP/Weatherization from the Department of Commerce and Economic Opportunity to the Department of Public Aid, and (ii) the Circuit Breaker/Pharmaceutical Programs from the Department of Revenue to the Department of Public Aid and the Department on Aging; and

WHEREAS, for purposes of this Executive Order, LIHEAP/Weatherization and the Circuit Breaker/Pharmaceutical Programs are sometimes referred to collectively as the “Programs,” the Department of Commerce and Economic Opportunity and the Department of Revenue are sometimes referred to collectively as the “Transferring Agencies,” and the Department of Public Aid and the Department on Aging are sometimes referred to collectively as the “Receiving Agencies”; and

WHEREAS, the specific functions, as well as the staff performing those functions, of the LIHEAP/Weatherization Programs shall be transferred to the Department of Public Aid by way of an interagency agreement between the Department of Commerce and Economic Opportunity and the Department of Public Aid (the “LIHEAP/Weatherization Interagency Agreement”) in accordance with the objectives of 20 ILCS 605/1 et seq. and this Executive Order; and

WHEREAS, the specific functions, as well as the staff performing those functions, of the Circuit Breaker/Pharmaceutical Programs shall be transferred to the Receiving Agencies by way of an interagency agreement between the Department of Revenue and the Receiving Agencies (the “Circuit Breaker/Pharmaceutical Programs Interagency Agreement”) in accordance with the objectives of 320 ILCS 25/1 et seq. and this Executive Order.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. TRANSFER

- A. Effective July 1, 2004 or as soon thereafter as practicable, the powers, duties, rights and responsibilities related to (i) LIHEAP/Weatherization shall be transferred from the Department of Commerce and Economic Opportunity to the Department of Public Aid pursuant to the LIHEAP/Weatherization Interagency Agreement, and (ii) the Circuit Breaker/Pharmaceutical Programs shall be transferred from the Department of Revenue to the Department of Public Aid and the Department on Aging pursuant to the Circuit Breaker/Pharmaceutical Programs Interagency Agreement. The statutory powers, duties, rights and responsibilities of the Transferring Agencies associated with these Programs derive from 20 ILCS 605 et seq., 20 ILCS 605/605 et seq., 20 ILCS 625 et seq., 220 ILCS 5/8-206, 305 ILCS 20 et seq. and 305 ILCS 22/1 et seq. for LIHEAP/Weatherization and 35 ILCS 515/7, 35 ILCS 200/20-15, 220 ILCS 10/9, 305 ILCS 5/3-1, 320 ILCS 25/1 et seq., 320 ILCS 50/1 et seq., 320 ILCS 50/20, 320 ILCS 55/1 et seq. and 320 ILCS 55/5 for the Circuit Breaker/Pharmaceutical Programs.
- B. Whenever any provision of an Executive Order or any Act or section thereof transferred by this Executive Order provides for membership of the Director of either of the Transferring Agencies on any council, commission, board or other entity relating to the Programs, the Director of the appropriate Receiving Agency or their designee(s) shall serve in that place. If more than one such person is required by law to serve on any council, commission, board or other entity, an equivalent number of representatives of the Receiving Agency shall so serve.

II. EFFECT OF TRANSFER

The powers, duties, rights and responsibilities vested in the Programs shall not be affected by this Executive Order, except that all management and staff support or other resources necessary to the operations of the Programs shall be provided by the Receiving Agencies.

- A. The status and rights of employees in the Transferring Agencies engaged in the performance of the functions of the Programs shall not be affected by the transfer. The rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order. Personnel under the Transferring Agencies affected by this Executive Order shall continue their service within the Receiving Agencies.
- B. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights and responsibilities related to the Programs and transferred by this Executive Order from the Transferring Agencies to the Receiving Agencies, including but not limited to material in electronic or magnetic

format and necessary computer hardware and software, shall be delivered to the Receiving Agencies; provided, however, that the delivery of such information shall not violate any applicable confidentiality constraints.

- C. All unexpended appropriations and balances and other funds available for use in connection with any of the Programs shall be transferred for use by the Receiving Agencies for the Programs pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made.

III. SAVINGS CLAUSE

- A. The powers, duties, rights and responsibilities related to the Programs and transferred from the Transferring Agencies by this Executive Order shall be vested in and shall be exercised by the Receiving Agencies. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the Transferring Agencies or their divisions, officers or employees.
- B. Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the Transferring Agencies or their divisions, officers or employees.
- C. Every officer of the Receiving Agencies shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.
- D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Transferring Agencies in connection with any of the functions of the Programs transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Receiving Agencies.
- E. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Programs before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the Receiving Agencies.
- F. Any rules of the Transferring Agencies that relate to the Programs, are in full force on the effective date of this Executive Order and have been duly adopted by the Transferring Agencies shall become the rules of the Receiving Agencies for the Programs. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rulings filed with the Secretary of State by the Transferring Agencies that are pending in the rulemaking process on the effective date of this Executive Order and pertain to the functions transferred, shall be deemed to have been filed by the Receiving Agencies. As soon as practicable hereafter, the Receiving Agencies shall revise and clarify the rules transferred to them under this Executive Order to reflect the reorganization of rights, powers and duties affected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Receiving Agencies may propose and adopt under the Illinois Administrative Act such other rules of the reorganized agencies that will now be administered by the Receiving Agencies.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Rod R. Blagojevich, Governor

Issued by Governor: March 31, 2004
Filed with Secretary of State: April 1, 2004

2004-4

**EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF CERTAIN
FUNCTIONS OF THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES TO THE
DEPARTMENT OF STATE POLICE**

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes, in pertinent part (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

WHEREAS, the Department of Central Management Services and the Department of State Police are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 405 et seq. and 20 ILCS 2605 et seq., respectively; and

WHEREAS, streamlining and consolidating the functions of certain of these agencies into a single agency offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, realize savings in administrative costs, promote more effective sharing of best practices and state of the art technology and realize other cost savings, among other things; and

WHEREAS, the foregoing benefits can be achieved by transferring the law enforcement and security functions (the "Functions") of the Department of Central Management Services (the "Transferring Agency") to the Department of State Police (the "Receiving Agency").

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. TRANSFER

Effective July 1, 2004, the powers, duties, rights and responsibilities related to the Functions shall be transferred from the Transferring Agency to the Receiving Agency. The statutory powers, duties, rights and responsibilities of the Transferring Agency associated with these Functions derive from 20 ILCS 405/405-315.

II. EFFECT OF TRANSFER

The powers, duties, rights and responsibilities related to the Functions shall not be affected by this Executive Order, except that all management and staff support or other necessary resources related to the Functions shall be provided by the Receiving Agency.

- D. The staff of the Transferring Agency engaged in the performance of the Functions shall be transferred to the Receiving Agency. The status and rights of employees in the Transferring Agency engaged in the performance of the Functions shall not be affected by the transfer. The rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order. Personnel under the Transferring Agency affected by this Executive Order shall continue their service within the Receiving Agency.
- E. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights and responsibilities related to the Functions and transferred by this Executive Order from the Transferring Agency to the Receiving Agency, including but not limited to material in electronic or magnetic format

and necessary computer hardware and software, shall be delivered to the Receiving Agency.

- F. All unexpended appropriations and balances and other funds available for use in connection with any of the Functions shall be transferred for use by the Receiving Agency for the Functions pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made.

III. SAVINGS CLAUSE

- G. The powers, duties, rights and responsibilities related to the Functions and transferred from the Transferring Agency by this Executive Order shall be vested in and shall be exercised by the Receiving Agency. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the Transferring Agency or their divisions, officers or employees.
- H. Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the Transferring Agency or its divisions, officers or employees.
- I. Every officer of the Receiving Agency shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.
- J. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Transferring Agency in connection with the Functions transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Receiving Agency.
- K. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Transferring Agency before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the Receiving Agency.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Rod R. Blagojevich, Governor

Issued by Governor: March 31, 2004
Filed with Secretary of State: April 1, 2004

2004-5

**EXECUTIVE ORDER TO TRANSFER CERTAIN ADMINISTRATIVE AND SUPPORT
FUNCTIONS OF THE ILLINOIS BUILDING COMMISSION TO THE CAPITAL
DEVELOPMENT BOARD**

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes, in pertinent part (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other

agency, and (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

WHEREAS, the Capital Development Board and the Illinois Building Commission are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 3105 et seq. and 20 ILCS 3918 et seq., respectively; and

WHEREAS, streamlining and consolidating some of the administrative and support functions of these agencies into a single agency offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, realize savings in administrative costs, promote more effective sharing of best practices and state of the art technology and realize other cost savings, among other things; and

WHEREAS, the Illinois Building Commission (i) serves as a forum to suggest resolution of conflicts between State agencies, or between a State agency and another entity that consents to the resolution forum, concerning State building requirements, and (ii) reviews proposed State building requirement amendments and proposed legislation for conflicts with current State law or building requirements and makes recommendations concerning those amendments or laws to the proper authorities; and

WHEREAS, the aforementioned benefits can be achieved by transferring some of the administrative and support functions, including information technology, clerical, accounting, human resources and office space (the "Functions") of the Illinois Building Commission (the "Transferring Agency") to the Capital Development Board (the "Receiving Agency"); and

WHEREAS, the consolidation and streamlining of the Functions of the Transferring Agency to the Receiving Agency shall not impede, disrupt or impair in any fashion the independent and conflict resolution responsibilities and duties of the Transferring Agency as contemplated in 20 ILCS 3918 et seq.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. TRANSFER

Effective July 1, 2004, the powers, duties, rights and responsibilities related to the Functions of the Transferring Agency shall be transferred to the Receiving Agency. The statutory powers, duties, rights and responsibilities of the Transferring Agency associated with these Functions derive from 20 ILCS 3918 et seq.

II. EFFECT OF TRANSFER

The powers, duties, rights and responsibilities other than the Functions vested in the Transferring Agency shall not be affected by this Executive Order, including the Transferring Agency's ability to serve as an independent forum to suggest resolution of conflicts between State agencies, or between a State agency and another entity that consents to the resolution forum, concerning State building requirements, except that the Functions necessary to the operation of the Transferring Agency shall be provided by the Receiving Agency.

- G. The staff of the Transferring Agency engaged in the performance of the Functions shall be transferred to the Receiving Agency. The status and rights of such employees under the Personnel Code shall not be affected by the transfer. The rights of the employees, the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order. Personnel under the Transferring Agency affected by this Executive Order shall continue their service within the Receiving Agency.
- H. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights and responsibilities transferred by this Executive Order from the Transferring Agency to the Receiving Agency, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Receiving Agency.
- I. All unexpended appropriations and balances and other funds available for use in connection with any of the Functions shall be transferred for use by the Receiving Agency for the Functions pursuant to the direction of the Governor. Unexpended

balances so transferred shall be expended only for the purpose for which the appropriation was originally made.

III. SAVINGS CLAUSE

- L. The powers, duties, rights and responsibilities related to the Functions and transferred from the Transferring Agency by this Executive Order shall be vested in and shall be exercised by the Receiving Agency. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the Transferring Agency or its divisions, officers or employees.
- M. Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the Transferring Agency or its divisions, officers or employees.
- N. Every officer of the Receiving Agency shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.
- O. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Transferring Agency in connection with any of the Functions transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Receiving Agency.
- P. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Functions of the Transferring Agency before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the Receiving Agency.
- Q. Any rules of the Transferring Agency that relate to the Functions, are in full force on the effective date of this Executive Order and have been duly adopted by the Transferring Agency shall become the rules of the Receiving Agency for the Functions. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rulings filed with the Secretary of State by the Transferring Agency that are pending in the rulemaking process on the effective date of this Executive Order and pertain to the Functions transferred, shall be deemed to have been filed by the Receiving Agency. As soon as practicable hereafter, the Receiving Agency shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, powers and duties affected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Receiving Agency may propose and adopt under the Illinois Administrative Act such other rules of the reorganized agencies that will now be administered by the Receiving Agency.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Rod R. Blagojevich, Governor

Issued by Governor: March 31, 2004
Filed with Secretary of State: April 1, 2004

2004-6

EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF FUNCTIONS OF THE DEPARTMENT OF FINANCIAL INSTITUTIONS, THE DEPARTMENT OF INSURANCE, THE DEPARTMENT OF PROFESSIONAL REGULATION AND THE OFFICE OF BANKS AND REAL ESTATE INTO THE NEWLY CREATED DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes, in pertinent part, (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, (b) the abolition of the whole or any part of any agency which does not have, or upon the taking effect of such reorganization will not have, any functions, and (c) the establishment of a new agency to perform all or any part of the functions of an existing agency or agencies; and

WHEREAS, the Department of Financial Institutions, the Department of Insurance, the Department of Professional Regulation and the Office of Banks and Real Estate are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 1205 et seq., 20 ILCS 1405 et seq., 20 ILCS 2105 et seq. and 20 ILCS 3205 et seq., respectively; and

WHEREAS, substantial benefits can be achieved by the transfer of all functions (the "Functions"), respectively, of the Department of Financial Institutions, the Department of Insurance, the Department of Professional Regulation and the Office of Banks and Real Estate (the "Consolidating Agencies") into a newly created Department of Financial and Professional Regulation (the "New Agency") and the subsequent corresponding abolition of the Consolidating Agencies; and

WHEREAS, consolidating the powers, duties, rights, responsibilities and Functions of the Consolidating Agencies into the New Agency provides for opportunities to increase operational efficiency and effectiveness, eliminate redundancies in functions and costs, increase accessibility by consumers and industry, increase accountability, simplify the organizational structure of the Executive Branch, increase leverage of specialized expertise, facilities and technology, promote a more effective sharing of best practices and realize significant economies of scale, among other things; and

WHEREAS, the transfer of the Functions of the Consolidating Agencies into the New Agency shall not impede, disrupt or impair in any fashion any council, commission, board or other entity previously established and operating under any of the Consolidating Agencies.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. CREATION OF NEW DEPARTMENT

- A. Effective July 1, 2004, the New Agency shall be created and known as the "Department of Financial and Professional Regulation."
- B. The New Agency shall have an officer as its lead known as the Secretary who shall be responsible for all agency Functions. Appointment to this office shall be made by the Governor, by and with the advice and confirmation of the Senate. Vacancies in the office of the Secretary shall be filled pursuant to 20 ILCS 5/5-605. The Secretary of the New Agency shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, as the case may be.
- C. The New Agency shall also have four Directors who will oversee the respective Functions of the Consolidating Agencies within the New Agency and report to the Secretary, as well as such other assistants and deputies as may be appropriate for the efficient operation of the New Agency. None of the four Directors, nor any such assistants or deputies, shall be state officers subject to Senate confirmation.

II. TRANSFER OF FUNCTIONS

- A. Effective July 1, 2004, the Functions and all associated powers, duties, rights and responsibilities of the Consolidating Agencies shall be transferred to the New Agency.

The statutory powers, duties, rights and responsibilities of the Consolidating Agencies associated with these Functions derive from the statutes listed in the attached Appendix.

- B. Whenever any provision of an Executive Order or any Act or section thereof transferred by this Executive Order provides for membership of the Director or Commissioner of any of the Consolidating Agencies on any council, commission, board or other entity, the Secretary or, at the Governor's discretion, the appropriate Director of the New Agency, or their designee(s), shall serve in that place. If more than one such person is required by law to serve on any council, commission, board or other entity, an equivalent number of representatives of the New Agency shall so serve.

III. ABOLITION OF CONSOLIDATING AGENCIES

The Consolidating Agencies listed in this Part III shall be abolished effective July 1, 2004. The rights, powers and duties associated with the Functions vested by law in these Consolidating Agencies, or any office, division, council, committee, bureau, board, commission, officer, employee, or associated individual, person or entity, and all rights, powers and duties of the Consolidating Agencies related to the Functions, including funding mechanisms, shall be transferred to the New Agency in accordance with Part II of this Executive Order:

- A. Department of Financial Institutions (20 ILCS 1205 et seq.)
 B. Department of Insurance (20 ILCS 1405 et seq.)
 C. Department of Professional Regulation (20 ILCS 2105 et seq.)
 D. Office of Banks and Real Estate (20 ILCS 3205 et seq.)

IV. EFFECT OF TRANSFER

The powers, duties, rights and responsibilities related to the Functions and transferred by the Consolidating Agencies to the New Agency shall not be affected by this Executive Order, except that they shall all be carried out by the New Agency from the effective date of the transfers.

- J. The staffs of the Consolidating Agencies engaged in the performance of the Functions shall be transferred to the New Agency. The status and rights of such employees under the Personnel Code shall not be affected by the transfers. The rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order.
- K. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights and responsibilities transferred by this Executive Order from the Consolidating Agencies to the New Agency, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the New Agency.
- L. All unexpended appropriations and balances and other funds available for use in connection with any of the Functions shall be transferred for use by the New Agency for the Functions pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriations were originally made.

V. SAVINGS CLAUSE

- R. The powers, duties, rights and responsibilities related to the Functions and transferred from the Consolidating Agencies by this Executive Order shall be vested in and shall be exercised by the New Agency. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by any of the Consolidating Agencies or their divisions, officers or employees.
- S. Every officer of the New Agency shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.

- T. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon any of the Consolidating Agencies in connection with any of the Functions transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the New Agency.
- U. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Functions of any of the Consolidating Agencies before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the New Agency.
- V. Any rules of the Consolidating Agencies that relate to the Functions, are in full force on the effective date of this Executive Order and that have been duly adopted by the Consolidating Agencies shall become the rules of the New Agency. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by the Consolidating Agencies that are pending in the rulemaking process on the effective date of this Executive Order and pertain to the Functions transferred, shall be deemed to have been filed by the New Agency. As soon as practicable hereafter, the New Agency shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, powers and duties affected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The New Agency, consistent with the Consolidating Agencies' authority to do so, may propose and adopt under the Illinois Administrative Procedures Act such other rules of the Consolidating Agencies that will now be administered by the New Agency. To the extent that, prior to the effective date of the transfers, the Director or Commissioner of a Consolidating Agency had been empowered to prescribe regulations or had other rulemaking authority with respect to transferred Functions, such duties shall be exercised from and after the effective date of the transfers jointly by the Secretary and the Director responsible for the oversight of those respective Functions.

VI. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Rod R. Blagojevich, Governor

Issued by Governor: March 31, 2004
 Filed with Secretary of State: April 1, 2004

Appendix

Department of Financial Institution statutes affected by the Reorganization:

Financial Institutions Code, 20 ILCS 1205/1 et seq.
 Illinois Credit Union Act, 205 ILCS 305/1 et seq.
 Currency Exchange Act, 205 ILCS 405/0.1 et seq.
 Transmitters of Money Act, 205 ILCS 657/1 et seq.
 Sales Finance Agency Act, 205 ILCS 660/1 et seq.
 Debt Management Service Act, 205 ILCS 665 et seq.
 Consumer Installment Loan Act, 205 ILCS 670/1 et seq.
 Title Insurance Act, 215 ILCS 155/1 et seq.
 Development Credit Corporations Act, 815 ILCS 35/1 et seq.

Safety Deposit Box Act, 240 ILCS 5/0.01 et seq.
 Motor Vehicle Retail Installment Sales Act, 815 ILCS 375/1 et seq.
 Retail Installment Sales Act, 815 ILCS 405/1 et seq.
 Interest Act, 815 ILCS 205/11
 High Risk Home Loan Act, 815 ILCS 137/1 et seq.

Department of Insurance statutes affected by the Reorganization:

Department of Insurance Law, 20 ILCS 1405 et seq.
 Illinois Insurance Code, 215 ILCS 5/1 et seq.
 Small Employer Health Insurance Rating Act, 215 ILCS 93/1 to 215 ILCS 93/40
 Small Employer Rating, Renewability and Portability Health Insurance Act, 215 ILCS 95/1 to 215 ILCS 95/55 [Repealed]
 Illinois Health Insurance Portability and Accountability Act, 215 ILCS 97/1 to 215 ILCS 97/99
 Reinsurance Intermediary Act, 215 ILCS 100/1 to 215 ILCS 100/60
 Comprehensive Health Insurance Plan Act, 215 ILCS 105/1 to 215 ILCS 105/15
 Children's Health Insurance Program, 215 ILCS 106/1 to 215 ILCS 106/99 [Repealed effective July 1, 2004]
 Producer Controlled Insurer Act, 215 ILCS 107/1 to 215 ILCS 107/99
 Dental Care Patient Protection Act, 215 ILCS 109/1 to 215 ILCS 109/85
 Dental Service Plan Act, 215 ILCS 110/1 to 215 ILCS 110/47
 Employee Leasing Company Act, 215 ILCS 113/1 to 215 ILCS 113/99
 Employees Dental Freedom of Choice Act, 215 ILCS 115/1 to 215 ILCS 115/4
 Farm Mutual Insurance Company Act of 1986, 215 ILCS 120/1 to 215 ILCS 120/17
 Health Care Purchasing Group Act, 215 ILCS 123/1 to 215 ILCS 123/75
 Health Maintenance Organization Act, 215 ILCS 125/1-1 to 215 ILCS 125/6-19
 Limited Health Service Organization Act, 215 ILCS 130/1001 to 215 ILCS 130/4009
 Managed Care Reform and Patient Rights Act, 215 ILCS 134/1 to 215 ILCS 134/299
 Pharmaceutical Service Plan Act, 215 ILCS 135/1 to 215 ILCS 135/46.1 [Repealed]
 Uniform Prescription Drug Information Card Act, 215 ILCS 138/1 to 215 ILCS 139/99
 Product Liability Insurance Act, 215 ILCS 140/0.01, 215 ILCS 140/1 [Repealed]
 Property Fire Loss Act, 215 ILCS 145/0.1, 215 ILCS 145/1
 Religious and Charitable Risk Pooling Trust Act, 215 ILCS 150/1 to 215 ILCS 150/28
 Service Contract Act, 215 ILCS 152/1 to 215 ILCS 152/99
 Title Insurance Act, 215 ILCS 155/1 to 215 ILCS 155/25
 Viatical Settlements Act, 215 ILCS 158/1 to 215 ILCS 158/99
 Vision Service Plan Act, 215 ILCS 160/1 to 215 ILCS 160/32 [Repealed]
 Voluntary Health Services Plans Act, 215 ILCS 165/1 to 215 ILCS 165/30
 Intergovernmental Cooperation Act, 5 ILCS 220/1 to 5 ILCS 220/16
 State Employees Group Insurance Act of 1971, 5 ILCS 375/1 to 5 ILCS 375/17
 Civil Administrative Code of Illinois (Part 11.5), 20 ILCS 1405/56.3, 20 ILCS 1405/1405-1 to 20 ILCS 1405/1405-30
 Military Code of Illinois, 20 ILCS 1805/30.20
 State Fire Marshall Act, 20 ILCS 2905/0.01 to 20 ILCS 2905/3
 Experimental Organ Transplantation Procedures Act, 20 ILCS 3935/1 to 20 ILCS 3935/5
 Illinois Municipal Code, Art. 11, Corporate Powers and Functions (Public Health, Safety and Welfare), 65 ILCS 5/11-10-1 to 65 ILCS 5/11-10-3, 65 ILCS 5/11-152-1 to 65 ILCS 5/11-152-4.
 Asbestos Abatement Act, 105 ILCS 105/1 to 105 ILCS 105/16
 Illinois Banking Act, 205 ILCS 5/5, 205 ILCS 5/48.2
 Illinois Savings and Loan Act of 1985
 Art. 1 General Provisions, 205 ILCS 105/1-6, 205 ILCS 105/1-11
 Art. 4 Capital 205 ILCS 105/4-2
 Art. 5 Investments 205 ILCS 105/5-3
 Savings Bank Act
 Art. 1 General Provisions 205 ILCS 205/1008

Illinois	Credit	Union	Act,	205	ILCS	305/13,	205	ILCS	305/55
Corporate					Fiduciary				Act
	Art.	1	General		Provisions	205		ILCS	620/1-6
	Art. IX	Miscellaneous	Provisions,		Fiduciary	Advisory	Committee,	205	ILCS 620/9-
	1	to	205		ILCS				620-/9-6
Structural	Pest	Control	Act,	225	ILCS				235/9
Elevator	Safety	and	Regulation	Act,	225	ILCS			312/100
Fire Sprinkler	Contractor	Licensing	Act,	225	ILCS	317/1	to	225	ILCS 317/999
Petroleum	Equipment	Contractors	Licensing	Act,	225	ILCS			729/35
Senior	Pharmaceutical	Assistance	Act,	320	ILCS	50/1	to	320	ILCS 50/99
Medical	Patient	Rights	Act,	410	ILCS	50/0.01	to	410	ILCS 50/99
Hearing	Screening	for	Newborns	Act,	410	ILCS	213/1	to	410
Fire	Investigation	Act,	425	ILCS	25/0.01	to	425	ILCS	25/13.1
Carnival	and	Amusement	Rides	Safety	Act,	430	ILCS		85/2-14
Illinois			Vehicle						Code
	Ch. 3	Certificates of Title and Registration of Vehicles,	625	ILCS	5/3-100	to	625	ILCS	
	5/3-2006								
	Ch. 7	Illinois Safety and Family Financial Responsibility Law,	625	ILCS	5/7-100	to	625	ILCS	5/7-708
	625								
	Ch. 8	Motor Vehicles Used for Transportation of Passengers,	625	ILCS	5/8-101	to	625	ILCS	5/8-116
	ILCS								
	Ch. 9	Owners of For-Rent Vehicles for Hire,	625	ILCS	5/9-101	to	625	ILCS	5/9-110
	Ch. 18a	Illinois Commercial Relocation of Trespassing Vehicles Law,	625	ILCS	5/18a-				
	301								
Boat	Registration	and	Safety	Act					
Art. V	Operation of Motor Boats,	625	ILCS	45/5-1	to	625	ILCS	45/5-21	
Criminal	Code				of				1961
	Art. 46	Insurance Fraud, Fraud on the Government, and Related Offenses,	720	ILCS					
	5/46-1	to	720	ILCS					5/46-5
Criminal	Juris	Prudence	Act (insurance law violation),	720	ILCS	275/119			[Repealed]
Insurance	Claims	for Excessive	Charges	Act,	720	ILCS	325/1	to	720
Bail	Bond	False	Statement	Act,	720	ILCS	540/0.01,	720	ILCS 540/1
Quasi-criminal	and	Misdemeanor	Bail	Act,	725	ILCS	195/0.01	to	725
Insurance	Claims	Fraud	Prevention	Act,	740	ILCS	92/1	to	740
Securities	in	Fiduciary	Accounts	Act,	760	ILCS	75/0.01	to	760
Condominium	Property	Act,	765	ILCS	605/12,	765	ILCS		605/12.1
Mortgage	Certificate	of	Release	Act,	765	ILCS	935/5	to	765
Bailment	Insurance	Act,	765	ILCS	1015/0.01	to	765	ILCS	1015/4
General Not-for-Profit Corporation Act of 1986,	805	ILCS	105/101.01	to	805	ILCS			
	105/117.05								
Motor Vehicle	Retail	Installment	Sales	Act,	815	ILCS	375/8	to	815
Restricted	Call	Registry	Act,	815	ILCS				402/5
Retail	Installment	Sales	Act,	815	ILCS	405/8	to	815	ILCS 405/11.1
Consumer Fraud and Deceptive Business Practices Act,	815	ILCS	505/1	to	815	ILCS			
	505/12								
Uniform	Deceptive	Trade	Practices	Act,	815	ILCS	510/1	to	815
Health	Insurance	Claim	Filing	Act,	820	ILCS	45/0.01	to	820
Medical	Care	Savings	Account	Act of 2000,	820	ILCS	153/1	to	820
Workers	Compensation	Act,	820	ILCS	305/1	to	820	ILCS	305/6
Workers	Occupational	Diseases	Act,	820	ILCS	310/4	to	820	ILCS 310/6

Department of Professional Regulation statutes affected by the Reorganization:

Department of Professional Regulation Law, 20 ILCS 2105 et seq.

Acupuncture Practice Act of 1989, 225 ILCS 2/

Illinois Architecture Practice Act of 1989, 225 ILCS 305/

Illinois Athletic Trainers Practice Act, 225 ILCS 5/

Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985,

225 ILCS 410/
 Professional Boxing and Wrestling Act, 225 ILCS 105/
 Collection Agency Act, 225 ILCS 425/
 Mail Order Contact Lens Act, 225 ILCS 83/
 Illinois Controlled Substances Act, 720 ILCS 570/
 Illinois Dental Practice Act, 225 ILCS 25/
 Detection of Deception Examiners Act, 225 ILCS 430/
 The Private Detective, Private Alarm, Private Security and Locksmith Act of 2004, 225 ILCS 447/
 Dietetic and Nutrition Services Practice Act, 225 ILCS 30/
 Electrologist Licensing Act, 225 ILCS 412/
 Environmental Health Practitioner Licensing Act, 225 ILCS 37/
 Funeral Directors and Embalmers Licensing Code, 225 ILCS 41/
 Home Medical Equipment and Services Provider License Act, 225 ILCS 51/
 Humane Euthanasia in Animal Shelters Act, 510 ILCS 72/
 Interior Design Title Act, 225 ILCS 310/
 Illinois Landscape Architecture Act of 1989, 225 ILCS 315/
 Illinois Professional Land Surveyor Act of 1989, 225 ILCS 330/
 Marriage and Family Therapy Licensing Act, 225 ILCS 55/
 Massage Licensing Act, 225 ILCS 57/
 Medical Practice Act of 1987, 225 ILCS 60/
 Medical Corporation Act, 225 ILCS 15/
 Naprapathic Practice Act of 1993, 225 ILCS 63/
 Nursing and Advance Practice Nursing Act, 225 ILCS 65/
 Nursing Home Administrators Licensing and Disciplinary Act
 Illinois Occupational Therapy Practice Act, 225 ILCS 75/
 Illinois Optometric Practice Act of 1987, 225 ILCS 80/
 Orthotics, Prosthetics and Pedorthics Practice Act, 225 ILCS 84/
 Perfusionist Practice Act, 225 ILCS 125/
 Pharmacy Practice Act of 1987, 225 ILCS 85/
 Illinois Physical Therapy Act, 225 ILCS 90/
 Physician Assistant Practice Act of 1987, 225 ILCS 30
 Podiatric Medical Practice Act of 1987, 225 ILCS 100/
 Professional Counselor and Clinical Professional Counselor Licensing Act, 225 ILCS
 107/
 Professional Engineering Practice Act of 1989, 225 ILCS 325
 Professional Geologist Licensing Act, 225 ILCS 745
 Professional Service Corporation Act, 805 ILCS 10/
 Clinical Psychologist Licensing Act, 225 ILCS 15/
 Illinois Public Accounting Act, 225 ILCS 450/
 Respiratory Care Practice Act, 225 ILCS 106/
 The Illinois Roofing Industry Licensing Act, 225 ILCS 335
 Illinois Certified Shorthand Reporters Act of 1984, 225 ILCS 415/
 The Clinical Social Work and Social Work Practice Act, 225 ILCS 20/
 Illinois Speech-Language Pathology and Audiology Practice Act, 225 ILCS 110/
 Structural Engineering Licensing Act of 1989, 225 ILCS 340
 Veterinary Medicine and Surgery Practice Act of 1983, 225 ILCS 115/
 Wholesale Drug Distributors Act, 225 ILCS 120/
 Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act,
 225 ILCS 130/
 The Department of Professional Regulation:
 Illinois Police Training Act, 50 ILCS 705/6.1

Office of Banks and Real Estate statutes affected by the Reorganization:

Office of Banks and Real Estate Act, 20 ILCS 3205/0.1 et seq.
 State Treasurer Act, 15 ILCS 505/0.01 et seq.

Illinois Bank Examiners' Education Foundation Act, 20 ILCS 3210/1 et seq.
 State Finance Act, 30 ILCS 105/1 et seq.
 Illinois Banking Act, 205 ILCS 5/1 et seq.
 Illinois Bank Holding Company Act of 1957, 205 ILCS 10/1 et seq.
 Illinois Savings and Loan Act of 1985, 205 ILCS 105/1-1 et seq.
 Savings Bank Act, 205 ILCS 205/1001 et seq.
 Pawnbroker Regulation Act, 205 ILCS 510/0.01 et seq.
 Banking Emergencies Act, 205 ILCS 610/0.01 et seq.
 Electronic Fund Transfer Act, 205 ILCS 616/1 et seq.
 Corporate Fiduciary Act, 205 ILCS 620/1-1 et seq.
 Promissory Note and Bank Holiday Act (Part 3), 205 ILCS 630/17 et seq.
 Residential Mortgage License Act of 1987, 205 ILCS 635/1-1 et seq.
 Foreign Banking Office Act, 205 ILCS 645/1 et seq.
 Foreign Bank Representative Office Act, 205 ILCS 650/1 et seq.
 Financial Institution Activity Reporting Act, 205 ILCS 680/1 et seq.
 Check Printer and Check Number Act, 205 ILCS 690/1 et seq.
 Auction License Act, 225 ILCS 407/5-1 et seq.
 Home Inspector License Act, 225 ILCS 441/1-1 et seq.
 Real Estate License Act of 2000, 225 ILCS 454/1-1 et seq.
 Real Estate Appraiser Licensing Act of 2002, 225 ILCS 458/1-1 et seq.
 Land Sales Registration Act of 1999, 765 ILCS 86/1-1 et seq.
 Real Estate Timeshare Act of 1999, 765 ILCS 101/101 et seq.
 Uniform Disposition of Unclaimed Property Act, 765 ILCS 1025/0.05 et seq.
 High Risk Home Loan Act, 815 ILCS 137/1 et seq.
 Deposit of State Moneys Act, 15 ILCS 520/0.01 et seq.
 Interest Act, 815 ILCS 205/0.01 et seq.

AGREED RESOLUTIONS

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

HOUSE RESOLUTION 780

Offered by Representatives Cross, Pihos, Schmitz, Granberg, Bassi, Poe, Millner, Mulligan, Coulson, Krause and Bill Mitchell :

WHEREAS, The Lincoln Foundation for Performance Excellence was founded in 1994 and is a publicly and privately supported not-for-profit organization; it was created to significantly raise Illinois worldwide competitiveness by improving the performance of its institutions and businesses; and

WHEREAS, The Lincoln Foundation for Performance Excellence has created an award patterned after the Malcolm Baldrige National Quality Award, the award is an annual recognition of Illinois organizations that have demonstrated exemplary approach, deployment, and results in their overall quality systems and processes; it is presented to organizations that serve as role models for quality, customer satisfaction, and performance excellence; and

WHEREAS, The Lincoln Foundation for Performance Excellence has awarded St. Mary's Good Samaritan, located in Centralia and Mt. Vernon, the 2003 Lincoln Gold Award for Achievement of Excellence; and

WHEREAS, In addition, ten other Illinois organizations were recognized with the 2003 Lincoln Bronze Award for Commitment to Excellence for their earnest efforts to adopt and apply continuous improvement principles; these recipients include the City of St. Charles; Community Consolidated Schools District 59 in the Elk Grove Township; Consolidated School District 158 in Huntley; Friendship Junior High School in Des Plaines; Grainger Parts Division, a division of W.W. Grainger, Inc. in Northbrook; Holmes Junior High School in Mt. Prospect; Memorial Health System in Springfield; Pekin Public Schools District #108 in Pekin; VIVA USA, Inc. in Rolling Meadows; and West Suburban College of Nursing in Oak Park; and

WHEREAS, Award recipients were formally honored at the Lincoln Foundation for Performance Excellence Ninth Annual Recognition Ceremony, hosted by Michael J. Birck, Tellabs' Chairman and CEO,

on December 2, 2003; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize The Lincoln Foundation for Performance Excellence and its efforts to assist Illinois organizations to strive for performance excellence; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Lincoln Foundation For Performance Excellence and each 2003 Performance Excellence Award recipient as an expression of our respect and esteem.

HOUSE RESOLUTION 781

Offered by Representative Black:

WHEREAS, The members of the House of Representatives of the State of Illinois are pleased to congratulate Harold J. Leisch of Danville on being the recipient of the 2004 AMBUCS First Citizen Award; and

WHEREAS, Mr. Leisch was born in 1913 in a log cabin at the corner of Bowman Avenue and Vorhees Street in Danville; he attended school in Danville, graduating in 1931; he married Norma in 1934 and they have been married for 70 years; they are parents to 3, grandparents to 9, and great-grandparents to 9; and

WHEREAS, During World War II, Mr. Leisch was employed at the Newport Munitions Plant; following the war, he was employed at Penry's Furniture Store, then at Leath's Furniture Store; his dedication to his employers kept him employed for many years until he retired in early 1984; he was an outstanding salesman and former customers have high regard for him; and

WHEREAS, Mr. Leisch and his wife formed a committee in 1982 to build the Korean-Vietnam Memorial; in 1988, they were involved in building the World War II Monument, and in 1992, they were involved in the first Women's Memorial built in the United States; he and his wife have been honored by the Veterans of Foreign Wars Post 728 and the American Legion Post 210 for their involvement in building the war monuments along Hazel Street in Danville; and

WHEREAS, Mr. Leisch was awarded the Studs Terkel Humanities Service Award for his efforts to ensure Vermilion County veterans were remembered and honored for their sacrifices; in honor of his work, November 21, 2000 was proclaimed Harold Leisch Day in Danville; and

WHEREAS, Mr. Leisch and his wife were involved in saving the former Carnegie Library for the War Museum in Vermilion County and are charter members of the Vermilion County War Museum Society, where Mr. Leisch has served as an elected board member since 1998; and

WHEREAS, Mr. Leisch is known in the Danville area as "The Can Man"; he and his wife have collected over \$180,000 worth of aluminum cans at drop locations that Mr. Leisch built and distributed all over Danville; the money has helped to pay for the 3 monuments, flags for the monuments, and monthly electrical bills; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Harold J. Leisch of Danville on being the recipient of the 2004 AMBUCS First Citizen Award; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Mr. Leisch as an expression of our deepest respect and esteem.

HOUSE RESOLUTION 783

Offered by Representative Younge:

WHEREAS, The members of the House of Representatives of the State of Illinois are pleased to congratulate Mrs. Eleanor Boyd Davis on the occasion of her retirement; and

WHEREAS, Mrs. Eleanor Boyd Davis is a native of Valdosta, Georgia; she attended public schools in Valdosta and graduated from Pinevale High School; she continued her education at Savannah State College in Savannah, Georgia, where she received a B.S. degree in business education; she earned a master's degree in education from Webster University in St. Louis, Missouri; and

WHEREAS, Mrs. Davis is married to Melvin Davis, Sr.; she is the mother of 3 children, Sherrine

(deceased), Melvin II, and Martis Davis; and

WHEREAS, Mrs. Davis began her teaching career at A.M. Jackson Elementary School in 1969; she was relocated to Judge Billy Jones Elementary in 1989; she is completing an illustrious 36 years of educating the students in East St. Louis District 189; and

WHEREAS, Mrs. Davis is an active member of Immanuel Lutheran Church; she is a member of the Altar Guild, a delegate to the Lutheran High School Association, and a former chairperson of the educational committee; she is also very active in professional organizations; she is a member of Delta Sigma Theta, Inc., a public service sorority; Women in Search of Investments Association; International Training in Communication; and she is a U.S.O. volunteer; and

WHEREAS, Mrs. Davis's philosophy is that if she can help somebody along the way, her life has not been in vain; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Eleanor Boyd Davis on the occasion of her retirement celebration, and we thank her for her many years of devotion to the education of students of the State of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Mrs. Davis as an expression of our respect and esteem.

HOUSE RESOLUTION 785

Offered by Representative Younge:

WHEREAS, The members of the Illinois House of Representatives congratulate Pastor Norman Owens and the congregation of the Macedonia Baptist Church of East St. Louis on the occasion of the opening of the new location for the Macedonia Baptist Church; and

WHEREAS, Prior to January, 1967, the Macedonia Baptist Church had been served by ten pastors; in January of that same year, Rev. Norman E. Owens came to lead the congregation; and

WHEREAS, Rev. Owens, his wife, Charlotte, and their three children, Norman Jr., Phyllis, and Michael were living in the nearby town of Madison; they officially came to be with the Macedonia family on the First Sunday of that year; and

WHEREAS, The family moved to East St. Louis in 1967 because Pastor Owens believed that he could serve the church and community better by being a resident of the city in which he had come to pastor; in May of 1967, Pastor Owens resigned his position as chemistry, physics, and mathematics teacher in the Venice Public School District to devote full time to his ever increasing pastoral responsibilities; and

WHEREAS, Rev. Owens had received his public education in Madison at the Dunbar School, and earned a Bachelor's Degree from SIU at Carbondale; it was in December of his senior year (1955) that Rev. Owens heard the call to come to the Gospel Ministry, and was licensed by the Southern Baptist Church of Madison; and

WHEREAS, Mrs. Owens is a Reading Improvement Teacher at Morrison School in East St. Louis; she began working in the District as an office clerk, and was later promoted to bookkeeping responsibilities in the payroll department; as a person who is always striving for self-improvement, she took upon herself the mammoth task of continuing her education at Southern Illinois University at Edwardsville, where she received a Bachelor's Degree with majors in elementary Education and Special Education, while working full time, caring for her home, husband, and three children, and working faithfully and diligently in the church to render service wherever she found opportunity; and

WHEREAS, Mrs. Owens has served as president of the Mission Society, teacher of the Mission, Sunday School teacher of Jr. High Students, member and vice chairman of the Board of Christian Education, and as the Director of Educational Ministries; she often serves on special committees, and has always been a tremendous inspiration to Pastor Owens, her children, and all who come under her influence; in addition to her home, community, and local church activities, she, along with her husband, is very active in District, State, and National Denominational work; and

WHEREAS, A Ribbon Cutting Ceremony for the new location of the Macedonia Baptist Church was held on February 1, 2004; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Pastor Norman Owens and the Macedonia Baptist Church on their new church; and be it further

RESOLVED, That a suitable copy of this resolution be presented Pastor Norman Owens as an expression of our respect and esteem.

HOUSE RESOLUTION 787

Offered by Representatives Hoffman and Holbrook:

WHEREAS, The members of the Senate of the State of Illinois were saddened to learn of the tragic death of Army Spc. William D. Dusenbery of Fairview Heights on November 15, 2003, in Iraq; and

WHEREAS, Spc. Dusenbery spent a good part of his life in the Fairview Heights area; he also lived in California, Oregon, and Chicago before joining the Army in 2001 at age 29 with the thought of making a career in the Army; he trained as a Black Hawk engine and propulsion system mechanic at Fort Eustis, Virginia; and

WHEREAS, Spc. Dusenbery, who went by his middle name, Dave, was a crewman with the 4th Battalion, 101st Aviation Regiment, 101st Airborne Division (Air Assault) in Fort Campbell, Kentucky; and

WHEREAS, The passing of Army Spc. William D. Dusenbery will be deeply felt by many, especially his father, William D. Dusenbery; his mother, Nancy Medcalf; his stepmother, Nancy Kaprelian; his 7-year-old daughter, Aubrey Dusenbery; his 11-year-old stepdaughter, Shalice Johnson; and his special friend whom he planned to marry, Jessica Wheat; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the tragic death of Army Spc. William D. Dusenbery along with all who knew and loved him and extend our sincere condolences to his family and friends; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Army Spc. William D. Dusenbery as a token of our deepest sympathy.

HOUSE RESOLUTION 788

Offered by Representative Giles:

WHEREAS, The members of the House of Representatives of the State of Illinois learned with great sorrow of the death of Dr. Jacob H. Carruthers at the age of 73; and

WHEREAS, Jacob Carruthers was an academic of great insight, intellect, compassion, and pride; and

WHEREAS, Dr. Carruthers was a man of letters, author of several scholarly treatises and books that redefined the study of African Americans in the urban environment; and

WHEREAS, Jacob Carruthers was a champion of African-Centered Thought and Community-Centered learning; and

WHEREAS, Dr. Carruthers was a founder and professor of history and education at the Center for Inner City Studies of Northeastern Illinois University for 32 years; and

WHEREAS, Dr. Carruthers pioneered and refined academic theories and influenced generations of students who sought careers working in the urban environment of the inner city; and

WHEREAS, Jacob Carruthers was a leader of leaders, guiding and advising businessmen, ministers, State senators and representatives, mothers and fathers; and

WHEREAS, Jacob Carruthers proudly served his country in the United States Air Force during the Korean War; and

WHEREAS, Jacob Carruthers graciously and generously served the African-American community and mankind; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we join the friends and family of Dr. Jacob H. Carruthers in mourning the loss of this great man; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Dr. Jacob H. Carruthers as an expression of our deepest sympathy.

HOUSE RESOLUTION 789

Offered by Representative Dugan:

WHEREAS, The members of the House of Representatives of the State of Illinois are pleased to congratulate Joseph Perry, president and CEO of Perry Group, Ltd., on being inducted into the University of Illinois at Chicago Entrepreneurship Hall of Fame; and

WHEREAS, The Entrepreneurship Hall of Fame, the oldest and most prestigious program honoring Chicago area entrepreneurs, was first presented in 1984; the University of Illinois at Chicago's Institute for Entrepreneurial Studies co-sponsors the annual event; honorees are interviewed and evaluated by a panel of judges consisting of previous nominees, business media representatives, and executives of sponsoring organizations; and

WHEREAS, The award highlights Mr. Perry as an example of a successful leader who recognizes opportunities with creativity, persistence, and sound business judgement; and

WHEREAS, Mr. Perry expanded his Kankakee County-based commercial real estate and development firm into the Chicago marketplace in late 2002; his background and understanding of the industry have allowed him to become the number one volume commercial real estate agent in the market each of the years he actively participated in brokerage; and

WHEREAS, Mr. Perry's active role in the brokerage business was relatively dormant for a short period of time in 1994 when he started an affiliate company, J.M. Perry Development Corp., which developed smaller commercial and industrial build-to-suits as well as market-rate multi-family residential subdivisions; this led to a very specialized segment of the multi-family development business with the advent of the use of Federal Tax Credits to develop affordable senior housing developments around the Midwest; since the first project in 1995, this entity has developed nearly \$50 million in affordable senior housing projects; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Joseph Perry on being inducted into the University of Illinois at Chicago Entrepreneurship Hall of Fame; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Joseph Perry as an expression of our respect and esteem.

HOUSE RESOLUTION 790

Offered by Representative Joseph Lyons:

WHEREAS, The members of the Illinois House of Representatives wish to congratulate Patricia Graff of Naperville who is retiring from Credit Union 1 on April 9, 2004; and

WHEREAS, In 1988, Patricia Graff began working as an Administrative Assistant for Paysaver Credit Union; in 1997, she was promoted to Human Resources (HR) Manager and the following year to Vice President of HR; she was then promoted to Sr. Vice President of HR in 1999 when Paysaver Credit Union 1 merged into Credit Union 1; and

WHEREAS, Patricia Graff has been married for 43 years to her husband, Howard, and they have 4 children and 12 grandchildren, including a set of 3 year old twins; the couple enjoys traveling to Northern Wisconsin where they currently own a cabin in Manitowish Waters; and

WHEREAS, Mrs. Graff loves dogs and her favorite breed is the Bouvier; she enjoys traveling, gardening, and home decorating; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Patricia Graff on her retirement after many years of dedicated service; and we wish her good health and happiness in all of her future endeavors; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Patricia Graff as a token of our respect and esteem.

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were printed and laid upon the Member's 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 Slone, HOUSE BILL 4850 was taken up and read by title a third time.

And the question being, "Shall this bill pass?"

Pending the vote on said bill, on motion of Representative Slone, further consideration of HOUSE BILL 4850 was postponed.

On motion of Representative Cultra, HOUSE BILL 6806 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:

113, Yeas; 2, Nays; 3, 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 Aguilar, HOUSE BILL 4108 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:

108, Yeas; 9, Nays; 0, 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 Burke, HOUSE BILL 4432 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:

78, Yeas; 40, 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 Bassi, HOUSE BILL 6750 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:

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

(ROLL CALL 5)

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 Beaubien, HOUSE BILL 4594 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:

118, 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 Capparelli, HOUSE BILL 4652 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: 115, Yeas; 0, Nays; 3, 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.

On motion of Representative Biggins, HOUSE BILL 4977 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: 67, Yeas; 48, Nays; 3, 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 Black, HOUSE BILL 4055 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; 34, 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 Colvin, HOUSE BILL 6992 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: 116, Yeas; 0, Nays; 1, 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 Brauer, HOUSE BILL 6552 was taken up and read by title a third time.

Pending discussion, Representative Jerry Mitchell moved the previous question.

And the question being, "Shall the main question be now put?" it was decided in the affirmative.

The question then being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 97, Yeas; 10, Nays; 11, 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 Steve Davis, HOUSE BILL 4337 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: 118, Yeas; 0, 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 Fritchey, HOUSE BILL 6951 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; 3, Nays; 2, 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 Cross, HOUSE BILL 3975 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: 118, 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 Dunn, HOUSE BILL 6760 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: 76, Yeas; 34, Nays; 8, 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 Flowers, HOUSE BILL 7030 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: 116, Yeas; 0, Nays; 2, 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 Hassert, HOUSE BILL 6229 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: 118, 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 McAuliffe, HOUSE BILL 4426 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: 118, Yeas; 0, 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 Grunloh, HOUSE BILL 4532 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: 63, Yeas; 41, Nays; 14, 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 Meyer, HOUSE BILL 5094 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: 93, Yeas; 24, 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 Moffitt, HOUSE BILL 4200 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: 94, Yeas; 23, Nays; 1, 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 Granberg, HOUSE BILL 5734 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: 116, 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.

On motion of Representative Osmond, HOUSE BILL 5928 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: 95, Yeas; 22, 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.

On motion of Representative Jones, HOUSE BILL 3883 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: 83, Yeas; 35, 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 Granberg, HOUSE BILL 6654 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:

118, Yeas; 0, Nays; 0, 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.

On motion of Representative Parke, HOUSE BILL 3830 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:

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

(ROLL CALL 26)

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 Hannig, HOUSE BILL 3918 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:

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

(ROLL CALL 27)

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 6583 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:

93, Yeas; 24, Nays; 0, Answering Present.

(ROLL CALL 28)

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 Jakobsson, HOUSE BILL 4363 was taken up and read by title a third time.

And the question being, "Shall this bill pass?"

Pending the vote on said bill, on motion of Representative Jakobsson, further consideration of HOUSE BILL 4363 was postponed.

On motion of Representative Howard, HOUSE BILL 5415 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:

71, Yeas; 47, Nays; 0, Answering Present.

(ROLL CALL 29)

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 Nekritz, HOUSE BILL 5884 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:

63, Yeas; 54, Nays; 0, Answering Present.

(ROLL CALL 30)

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 Reitz, HOUSE BILL 4510 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; 4, Nays; 2, Answering Present.

(ROLL CALL 31)

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 Verschoore, HOUSE BILL 7015 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: 113, Yeas; 2, Nays; 3, Answering Present.

(ROLL CALL 32)

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 Lang, HOUSE BILL 5735 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; 6, Nays; 0, Answering Present.

(ROLL CALL 33)

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 Bost, HOUSE BILL 4958 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: 118, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 34)

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 Washington, HOUSE BILL 5340 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: 117, Yeas; 0, Nays; 1, Answering Present.

(ROLL CALL 35)

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 Joyce, HOUSE BILL 4895 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 Saviano, HOUSE BILL 5890 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

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 Winters, HOUSE BILL 4827 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: 91, Yeas; 24, Nays; 2, Answering Present.
(ROLL CALL 36)

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 5164. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Human Services, adopted and printed.

AMENDMENT NO. 1 . Amend House Bill 5164 on page 4, line 26, before "judgment", by inserting "reasonable"; and on page 4, line 27, by replacing "public's health" with "public from a dangerously contagious or infectious disease"; and

on page 4, line 33, by replacing "make it untenable" with "cause the court system to be unavailable or that make it impossible"; and

on page 5, by replacing lines 12 through 14 with the following:

"purposes of this subsection, in determining whether no less restrictive alternative exists, the court shall consider evidence showing that, under the circumstances"; and

on page 5, line 22, by deleting ", and shall be notified of that right"; and

on page 5, line 24, after the period, by inserting the following:

"Persons who are ordered to be isolated or quarantined or who are owners of places that are ordered to be closed and made off limits to the public, shall be given a written notice of such order. The written notice shall additionally include the following: (1) notice of the right to counsel; (2) notice that if the person or owner is indigent, the court will appoint counsel for that person or owner; (3) notice of the reason for the order for isolation, quarantine or closure; (4) notice of whether the order is an immediate order, and if so, the time frame for the Department to seek consent or to file a petition requesting a court order as set out in this subsection; and (5) notice of the anticipated duration of the isolation, quarantine, or closure."; and

on page 6, line 5, by replacing "informed" with "given a written notice that shall include notice"; and

on page 6, line 25, after the period, by inserting the following:

"To the extent feasible without endangering the public's health, the Department shall respect and accommodate the religious beliefs of individuals in implementing this subsection."; and

on page 7, line 3, by replacing "informed" with "given a written notice that shall include notice"; and

on page 7, line 13, after the period, by inserting the following:

"To the extent feasible without endangering the public's health, the Department shall respect and accommodate the religious beliefs of individuals in implementing this subsection."; and

on page 7, line 25, by replacing "informed" with "given written notice that shall include notice"; and

on page 8, line 9, after the period, by inserting the following:

"An owner of such animal or other property shall be given written notice regarding such examination, testing, disinfection, seizure, or destruction."; and

on page 8, line 10, after "animal", by inserting "or property"; and

on page 8, line 35, after the period, by inserting the following:

"All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the

Code of Civil Procedure"; and
 on page 10, line 14, after "any", by inserting "syndromic"; and
 on page 10, line 25, after "purposes", by inserting the following:
"by the Department, local public health authorities, or the Centers for Disease Control and Prevention"; and
 on page 12, line 14, by deleting ", related"; and
 on page 12, line 15, by deleting "to"; and
 on page 12, lines 23 and 24, by deleting ", related to"; and
 on page 13, line 9, after the period, by inserting the following:
"To the extent feasible without endangering the public's health, the Department shall respect and accommodate the religious beliefs of individuals in implementing this Section."; and
 on page 14, lines 19 and 24, by replacing "emergency preparedness, response, mitigation, and recovery" each time it appears with "preparedness and response"; and
 on page 15, by replacing lines 1 and 2 with the following:
"organizations on public health preparedness and response."; and
 on page 17, line 22, by replacing "civilly liable" with "liable for civil damages".

Representative Feigenholtz offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 5164, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by adding Section 2105-400 as follows:

(20 ILCS 2105/2105-400 new)

Sec. 2105-400. Emergency Powers.

(a) Upon proclamation of a disaster by the Governor, as provided for in the Illinois Emergency Management Agency Act, the Director of Professional Regulation shall have the following powers, which shall be exercised only in coordination with the Illinois Emergency Management Agency and the Department of Public Health:

(1) The power to suspend the requirements for permanent or temporary licensure of persons who are licensed in another state and are working under the direction of the Illinois Emergency Management Agency and the Department of Public Health pursuant to a declared disaster.

(2) The power to modify the scope of practice restrictions under any licensing act administered by the Department for any person working under the direction of the Illinois Emergency Management Agency and the Illinois Department of Public Health pursuant to the declared disaster.

(3) The power to expand the exemption in Section 4(a) of the Pharmacy Practice Act of 1987 to those licensed professionals whose scope of practice has been modified, under paragraph (2) of subsection (a) of this Section, to include any element of the practice of pharmacy as defined in the Pharmacy Practice Act of 1987 for any person working under the direction of the Illinois Emergency Management Agency and the Illinois Department of Public Health pursuant to the declared disaster.

(b) Persons exempt from licensure under paragraph (1) of subsection (a) of this Section and persons operating under modified scope of practice provisions under paragraph (2) of subsection (a) of this Section shall be exempt from licensure or be subject to modified scope of practice only until the declared disaster has ended as provided by law.

(c) The Director shall exercise these powers by way of proclamation.

Section 10. The Department of Public Health Act is amended by changing Sections 2 and 7 and by adding Section 2.1 as follows:

(20 ILCS 2305/2) (from Ch. 111 1/2, par. 22)

Sec. 2. Powers.

(a) The State Department of Public Health has general supervision of the interests of the health and lives of the people of the State. It has supreme authority in matters of quarantine and isolation, and may declare and enforce quarantine and isolation when none exists, and may modify or relax quarantine and isolation when it has been established. The Department may adopt, promulgate, repeal and amend rules and regulations and make such sanitary investigations and inspections as it may from time to time deem necessary for the preservation and improvement of the public health, consistent with law regulating the following:

(1) Transportation of the remains of deceased persons.

(2) Sanitary practices relating to drinking water made accessible to the public for

human consumption or for lavatory or culinary purposes.

(3) Sanitary practices relating to rest room facilities made accessible to the public or to persons handling food served to the public.

(4) Sanitary practices relating to disposal of human wastes in or from all buildings and places where people live, work or assemble.

The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Public Health under this Act, except that Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rule-making does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

All local boards of health, health authorities and officers, police officers, sheriffs and all other officers and employees of the state or any locality shall enforce the rules and regulations so adopted and orders issued by the Department pursuant to this Section.

The Department of Public Health shall conduct a public information campaign to inform Hispanic women of the high incidence of breast cancer and the importance of mammograms and where to obtain a mammogram. This requirement may be satisfied by translation into Spanish and distribution of the breast cancer summaries required by Section 2310-345 of the Department of Public Health Powers and Duties Law (20 ILCS 2310/2310-345). The information provided by the Department of Public Health shall include (i) a statement that mammography is the most accurate method for making an early detection of breast cancer, however, no diagnostic tool is 100% effective and (ii) instructions for performing breast self-examination and a statement that it is important to perform a breast self-examination monthly.

The Department of Public Health shall investigate the causes of dangerously contagious or infectious diseases, especially when existing in epidemic form, and take means to restrict and suppress the same, and whenever such disease becomes, or threatens to become epidemic, in any locality and the local board of health or local authorities neglect or refuse to enforce efficient measures for its restriction or suppression or to act with sufficient promptness or efficiency, or whenever the local board of health or local authorities neglect or refuse to promptly enforce efficient measures for the restriction or suppression of dangerously contagious or infectious diseases, the Department of Public Health may enforce such measures as it deems necessary to protect the public health, and all necessary expenses so incurred shall be paid by the locality for which services are rendered.

(b) Subject to the provisions of subsection (c), the Department may order a person or group of persons to be quarantined or isolated or may order a place to be closed and made off limits to the public to prevent the probable spread of a dangerously contagious or infectious disease, including non-compliant tuberculosis patients, until such time as the condition can be corrected or the danger to the public health eliminated or reduced in such a manner that no substantial danger to the public's health any longer exists. Orders for isolation of a person or quarantine of a place to prevent the probable spread of a sexually transmissible disease shall be governed by the provisions of Section 7 of the Illinois Sexually Transmissible Disease Control Act and not this Section.

(c) Except as provided in this Section, no person or a group of persons may be ordered to be quarantined or isolated and no place may be ordered to be closed and made off limits to the public except with the consent of the person or owner of the place or upon the prior order of a court of competent jurisdiction. The Department may, however, order a person or a group of persons to be quarantined or isolated or may order a place to be closed and made off limits to the public on an immediate basis without prior consent or court order if, in the reasonable judgment of the Department, immediate action is required to protect the public from a dangerously contagious or infectious disease. In the event of an immediate order issued without prior consent or court order, the Department shall, as soon as practical, within 48 hours after issuing the order, obtain the consent of the person or owner or file a petition requesting a court order authorizing the isolation or quarantine or closure. When exigent circumstances exist that cause the court system to be unavailable or that make it impossible to obtain consent or file a petition within 48 hours after issuance of an immediate order, the Department must obtain consent or file a petition requesting a court order as soon as reasonably possible. To obtain a court order, the Department, by clear and convincing evidence, must prove that the public's health and welfare are significantly endangered by a person or group of persons that has, that is suspected of having, that has been exposed to, or that is reasonably believed to have been exposed to with a dangerously contagious or infectious disease including non-compliant tuberculosis patients or by a place where there is a significant amount of activity likely to spread a dangerously contagious or infectious disease. The Department must also prove that all other reasonable means of correcting the problem have been exhausted and no less restrictive alternative exists. For purposes of this

subsection, in determining whether no less restrictive alternative exists, the court shall consider evidence showing that, under the circumstances presented by the case in which an order is sought, quarantine or isolation is the measure provided for in a rule of the Department or in guidelines issued by the Centers for Disease Control and Prevention or the World Health Organization. Persons who are or are about to be ordered to be isolated or quarantined and owners of places that are or are about to be closed and made off limits to the public shall have the right to counsel. If a person or owner is indigent, the court shall appoint counsel for that person or owner. Persons who are ordered to be isolated or quarantined or who are owners of places that are ordered to be closed and made off limits to the public, shall be given a written notice of such order. The written notice shall additionally include the following: (1) notice of the right to counsel; (2) notice that if the person or owner is indigent, the court will appoint counsel for that person or owner; (3) notice of the reason for the order for isolation, quarantine, or closure; (4) notice of whether the order is an immediate order, and if so, the time frame for the Department to seek consent or to file a petition requesting a court order as set out in this subsection; and (5) notice of the anticipated duration of the isolation, quarantine, or closure.

(d) The Department may order physical examinations and tests and collect laboratory specimens as necessary for the diagnosis or treatment of individuals in order to prevent the probable spread of a dangerously contagious or infectious disease. Physical examinations, tests, or collection of laboratory specimens must not be such as are reasonably likely to lead to serious harm to the affected individual. To prevent the spread of a dangerously contagious or infectious disease, the Department may, pursuant to the provisions of subsection (c) of this Section, isolate or quarantine any person whose refusal of physical examination or testing or collection of laboratory specimens results in uncertainty regarding whether he or she has been exposed to or is infected with a dangerously contagious or infectious disease or otherwise poses a danger to the public's health. An individual may refuse to consent to a physical examination, test, or collection of laboratory specimens. An individual shall be given a written notice that shall include notice of the following: (i) that the individual may refuse to consent to physical examination, test, or collection of laboratory specimens; (ii) that if the individual consents to physical examination, tests, or collection of laboratory specimens, the results of that examination, test, or collection of laboratory specimens may subject the individual to isolation or quarantine pursuant to the provisions of subsection (c) of this Section; (iii) that if the individual refuses to consent to physical examination, tests, or collection of laboratory specimens and that refusal results in uncertainty regarding whether he or she has been exposed to or is infected with a dangerously contagious or infectious disease or otherwise poses a danger to the public's health, the individual may be subject to isolation or quarantine pursuant to the provisions of subsection (c) of this Section; and (iv) that if the individual refuses to consent to physical examinations, tests, or collection of laboratory specimens and becomes subject to isolation and quarantine as provided in this subsection (d), he or she shall have the right to counsel pursuant to the provisions of subsection (c) of this Section. To the extent feasible without endangering the public's health, the Department shall respect and accommodate the religious beliefs of individuals in implementing this subsection.

(e) The Department may order the administration of vaccines, medications, or other treatments to persons as necessary in order to prevent the probable spread of a dangerously contagious or infectious disease. A vaccine, medication, or other treatment to be administered must not be such as is reasonably likely to lead to serious harm to the affected individual. To prevent the spread of a dangerously contagious or infectious disease, the Department may, pursuant to the provisions of subsection (c) of this Section, isolate or quarantine persons who are unable or unwilling to receive vaccines, medications, or other treatments pursuant to this Section. An individual may refuse to receive vaccines, medications, or other treatments. An individual shall be given a written notice that shall include notice of the following: (i) that the individual may refuse to consent to vaccines, medications, or other treatments; (ii) that if the individual refuses to receive vaccines, medications, or other treatments, the individual may be subject to isolation or quarantine pursuant to the provisions of subsection (c) of this Section; and (iii) that if the individual refuses to receive vaccines, medications, or other treatments and becomes subject to isolation or quarantine as provided in this subsection (e), he or she shall have the right to counsel pursuant to the provisions of subsection (c) of this Section. To the extent feasible without endangering the public's health, the Department shall respect and accommodate the religious beliefs of individuals in implementing this subsection.

(f) The Department may order observation and monitoring of persons to prevent the probable spread of a dangerously contagious or infectious disease. To prevent the spread of a dangerously contagious or infectious disease, the Department may, pursuant to the provisions of subsection (c) of this Section, isolate or quarantine persons whose refusal to undergo observation and monitoring results in uncertainty regarding

whether he or she has been exposed to or is infected with a dangerously contagious or infectious disease or otherwise poses a danger to the public's health. An individual may refuse to undergo observation and monitoring. An individual shall be given written notice that shall include notice of the following: (i) that the individual may refuse to undergo observation and monitoring; (ii) that if the individual consents to observation and monitoring, the results of that observation and monitoring may subject the individual to isolation or quarantine pursuant to the provisions of subsection (c) of this Section; (iii) that if the individual refuses to undergo observation and monitoring and that refusal results in uncertainty regarding whether he or she has been exposed to or is infected with a dangerously contagious or infectious disease or otherwise poses a danger to the public's health, the individual may be subject to isolation or quarantine pursuant to the provisions of subsection (c) of this Section; and (iv) that if the individual refuses to undergo observation and monitoring and becomes subject to isolation or quarantine as provided in this subsection (f), he or she shall have the right to counsel pursuant to the provisions of subsection (c) of this Section.

(g) To prevent the spread of a dangerously contagious or infectious disease among humans, the Department may examine, test, disinfect, seize, or destroy animals or other related property believed to be sources of infection. An owner of such animal or other related property shall be given written notice regarding such examination, testing, disinfection, seizure, or destruction. When the Department determines that any animal or related property is infected with or has been exposed to a dangerously contagious or infectious disease, it may agree with the owner upon the value of the animal or of any related property that it may be found necessary to destroy, and in case such an agreement cannot be made, the animals or related property shall be appraised by 3 competent and disinterested appraisers, one to be selected by the Department, one by the claimant, and one by the 2 appraisers thus selected. The appraisers shall subscribe to an oath made in writing to fairly value the animals or related property in accordance with the requirements of this Act. The oath, together with the valuation fixed by the appraisers, shall be filed with the Department and preserved by it. Upon the appraisal being made, the owner or the Department shall immediately destroy the animals by "humane euthanasia" as that term is defined in Section 2.09 of the Humane Care for Animals Act. Dogs and cats, however, shall be euthanized pursuant to the provisions of the Humane Euthanasia in Animal Shelters Act. The owner or the Department shall additionally, dispose of the carcasses, and disinfect, change, or destroy the premises occupied by the animals, in accordance with rules prescribed by the Department governing such destruction and disinfection. Upon his or her failure so to do or to cooperate with the Department, the Department shall cause the animals or related property to be destroyed and disposed of in the same manner, and thereupon the owner shall forfeit all right to receive any compensation for the destruction of the animals or related property. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(h) To prevent the spread of a dangerously contagious or infectious disease, the Department, local boards of health, and local public health authorities shall have emergency access to medical or health information or records or data upon the condition that the Department, local boards of health, and local public health authorities shall protect the privacy and confidentiality of any medical or health information or records or data obtained pursuant to this Section in accordance with federal and State law. Additionally, any such medical or health information or records or data shall be exempt from inspection and copying under the Freedom of Information Act. Other than a hearing for the purpose of this Act, any information, records, reports, statements, notes, memoranda, or other data in the possession of the Department, local boards of health, or local public health authorities shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency, or person. The access to or disclosure of any of this information or data by the Department, a local board of health, or a local public authority shall not waive or have any effect upon its non-discoverability or non-admissibility. Any person, facility, institution, or agency that provides emergency access to health information and data under this subsection shall have immunity from any civil or criminal liability, or any other type of liability that might otherwise result by reason of these actions except in the event of willful and wanton misconduct. The privileged quality of communication between any professional person or any facility shall not constitute grounds for failure to provide emergency access. Nothing in this subsection shall prohibit the sharing of information as authorized in Section 2.1 of this Act. The disclosure of any of this information, records, reports, statements, notes, memoranda, or other data obtained in any activity under this Act, except that necessary for the purposes of this Act, is unlawful, and any person convicted of violating this provision is guilty of a Class A misdemeanor.

(i) (A) The Department, in order to prevent and control disease, injury, or disability among citizens of

the State of Illinois, may develop and implement, in consultation with local public health authorities, a Statewide system for syndromic data collection through the access to interoperable networks, information exchanges, and databases. The Department may also develop a system for the reporting of comprehensive, integrated data to identify and address unusual occurrences of disease symptoms and other medical complexes affecting the public's health.

(B) The Department may enter into contracts or agreements with individuals, corporations, hospitals, universities, not-for-profit corporations, governmental entities, or other organizations, whereby those individuals or entities agree to provide assistance in the compilation of the syndromic data collection and reporting system.

(C) The Department shall not release any syndromic data or information obtained pursuant to this subsection to any individuals or entities for purposes other than the protection of the public health. All access to data by the Department, reports made to the Department, the identity of or facts that would tend to lead to the identity of the individual who is the subject of the report, and the identity of or facts that would tend to lead to the identity of the author of the report shall be strictly confidential, are not subject to inspection or dissemination, and shall be used only for public health purposes by the Department, local public health authorities, or the Centers for Disease Control and Prevention. Entities or individuals submitting reports or providing access to the Department shall not be held liable for the release of information or confidential data to the Department in accordance with this subsection.

(D) Nothing in this subsection prohibits the sharing of information as authorized in Section 2.1 of this Act.

(j) ~~(d)~~ This Section shall be considered supplemental to the existing authority and powers of the Department and shall not be construed to restrain or restrict the Department in protecting the public health under any other provisions of the law.

(k) ~~(e)~~ Any person who knowingly or maliciously disseminates any false information or report concerning the existence of any dangerously contagious or infectious disease in connection with the Department's power of quarantine, isolation and closure or refuses to comply with a quarantine, isolation or closure order is guilty of a Class A misdemeanor.

(l) ~~(f)~~ The Department of Public Health may establish and maintain a chemical and bacteriologic laboratory for the examination of water and wastes, and for the diagnosis of diphtheria, typhoid fever, tuberculosis, malarial fever and such other diseases as it deems necessary for the protection of the public health.

As used in this Act, "locality" means any governmental agency which exercises power pertaining to public health in an area less than the State.

The terms "sanitary investigations and inspections" and "sanitary practices" as used in this Act shall not include or apply to "Public Water Supplies" or "Sewage Works" as defined in the Environmental Protection Act. The Department may adopt rules that are reasonable and necessary to implement and effectuate this amendatory Act of the 93rd General Assembly.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2305/2.1 new)

Sec. 2.1. Information sharing.

(a) Whenever a State or local law enforcement authority learns of a case of an illness, health condition, or unusual disease or symptom cluster, reportable pursuant to rules adopted by the Department or by a local board of health or local public health authority, or a suspicious event that may be the cause of or related to a public health emergency, as that term is defined in Section 4 of the Illinois Emergency Management Agency Act, it shall immediately notify the Illinois Emergency Management Agency and the Department or local board of health or local public health authority.

(b) Whenever the Department or a local board of health or local public health authority learns of a case of an illness, health condition, or unusual disease or symptom cluster, reportable pursuant to rules adopted by the Department or by a local board of health or a local public health authority, or a suspicious event that it reasonably believes has the potential to be the cause of or related to a public health emergency, as that term is defined in Section 4 of the Illinois Emergency Management Agency Act, it shall immediately notify the Illinois Emergency Management Agency, the appropriate State and local law enforcement authorities, other appropriate State agencies, and federal health and law enforcement authorities and, after that notification, it shall provide law enforcement authorities with such other information as law enforcement authorities may request for the purpose of conducting a criminal investigation or a criminal prosecution of or arising out of that matter. No information containing the identity or tending to reveal the identity of any person may be redisclosed by law enforcement, except in a prosecution of that person for the commission

of a crime.

(c) Sharing of information on reportable illnesses, health conditions, unusual disease or symptom clusters, or suspicious events between and among public health and law enforcement authorities shall be restricted to the information necessary for the treatment in response to, control of, investigation of, and prevention of a public health emergency, as that term is defined in Section 4 of the Illinois Emergency Management Act, or for criminal investigation or criminal prosecution of or arising out of that matter.

(d) The operation of the language of this Section is not dependent upon a declaration of disaster by the Governor pursuant to the Illinois Emergency Management Agency Act.

(20 ILCS 2305/7) (from Ch. 111 1/2, par. 22.05)

Sec. 7. The Illinois Department of Public Health shall adopt rules requiring that upon death of a person who had or is suspected of having an infectious or communicable disease that could be transmitted through contact with the person's body or bodily fluids, the body shall be labeled "Infection Hazard", or with an equivalent term to inform persons having subsequent contact with the body, including any funeral director or embalmer, to take suitable precautions. Such rules shall require that the label shall be prominently displayed on and affixed to the outer wrapping or covering of the body if the body is wrapped or covered in any manner. Responsibility for such labeling shall lie with the attending physician who certifies death, or if the death occurs in a health care facility, with such staff member as may be designated by the administrator of the facility. The Department may adopt rules providing for the safe disposal of human remains. To the extent feasible without endangering the public's health, the Department shall respect and accommodate the religious beliefs of individuals in implementing this Section.

(Source: P.A. 85-1209.)

Section 15. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Sections 2310-5, 2310-35, and 2310-50.5 and by adding Sections 2310-610, 2310-615, 2310-620, and 2310-625 as follows:

(20 ILCS 2310/2310-5)

Sec. 2310-5. Definitions. In this Law:

"Department" means the Department of Public Health.

"Director" means the Director of Public Health.

"Public health emergency" has the meaning set forth in Section 4 of the Illinois Emergency Management Agency Act.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2310/2310-35) (was 20 ILCS 2310/55.27)

Sec. 2310-35. Federal monies; indirect cost reimbursements. To accept, receive, and receipt for federal monies, for and in behalf of the State, given by the federal government under any federal law to the State for health purposes, surveys, or programs, and to adopt necessary rules pertaining thereto pursuant to the Illinois Administrative Procedure Act. To deposit indirect cost reimbursements received by the Department into the Public Health Special State Projects Fund, and to expend those funds, subject to appropriation, for public health purposes only.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 2310/2310-50.5)

Sec. 2310-50.5. Coordination concerning public health emergencies. To coordinate with the Illinois Emergency Management Agency with respect to planning for and responding to public health emergencies, as defined in Section 4 of the Illinois Emergency Management Agency Act. The Department shall additionally cooperate with the Governor, other State agencies and local authorities, including local public health authorities, in the development of strategies and plans to protect the public health in the event of a public health emergency, as defined in Section 4 of the Illinois Emergency Management Agency Act.

(Source: P.A. 93-249, eff. 7-22-03.)

(20 ILCS 2310/2310-610 new)

Sec. 2310-610. Rules; public health preparedness. The Department shall adopt and implement rules, contact lists, and response plans governing public health preparedness and response.

(20 ILCS 2310/2310-615 new)

Sec. 2310-615. Department coordination; public health preparedness. The Department shall require and coordinate development and implementation of public health preparedness and response plans by local health departments and facilities licensed by the Department.

(20 ILCS 2310/2310-620 new)

Sec. 2310-620. Cooperation; public health preparedness. The Department shall collaborate with relevant federal government authorities, State agencies, local authorities, including local public health authorities,

ected officials from other states, and private sector organizations on public health preparedness and response.

(20 ILCS 2310/2310-625 new)

Sec. 2310-625. Emergency Powers.

(a) Upon proclamation of a disaster by the Governor, as provided for in the Illinois Emergency Management Agency Act, the Director of Public Health shall have the following powers, which shall be exercised only in coordination with the Illinois Emergency Management Agency and the Department of Professional Regulation:

(1) The power to suspend the requirements for temporary or permanent licensure or certification of persons who are licensed or certified in another state and are working under the direction of the Illinois Emergency Management Agency and the Illinois Department of Public Health pursuant to the declared disaster.

(2) The power to modify the scope of practice restrictions under the Emergency Medical Services (EMS) Systems Act for any persons who are licensed under that Act for any person working under the direction of the Illinois Emergency Management Agency and the Illinois Department of Public Health pursuant to the declared disaster.

(3) The power to modify the scope of practice restrictions under the Nursing Home Care Act for Certified Nursing Assistants for any person working under the direction of the Illinois Emergency Management Agency and the Illinois Department of Public Health pursuant to the declared disaster.

(b) Persons exempt from licensure or certification under paragraph (1) of subsection (a) and persons operating under modified scope of practice provisions under paragraph (2) of subsection (a) and paragraph (3) of subsection (a) shall be exempt from licensure or certification or subject to modified scope of practice only until the declared disaster has ended as provided by law.

(c) The Director shall exercise these powers by way of proclamation.

Section 20. The Illinois Clinical Laboratory and Blood Bank Act is amended by changing Section 7-102 as follows:

(210 ILCS 25/7-102) (from Ch. 111 1/2, par. 627-102)

Sec. 7-102. Reports of test results. The result of a test shall be reported directly to the licensed physician or other authorized person who requested it. No interpretation, diagnosis or prognosis or suggested treatment shall appear on the laboratory report form except that a report made by a physician licensed to practice medicine in Illinois, a dentist licensed in Illinois, or a therapeutic optometrist may include such information. Nothing in this Act prohibits the sharing of information as authorized in Section 2.1 of the Department of Public Health Act.

(Source: P.A. 90-322, eff. 1-1-98.)

Section 25. The Emergency Medical Services (EMS) Systems Act is amended by adding Section 3.255 as follows:

(210 ILCS 50/3.255 new)

Sec. 3.255. Emergency Medical Disaster Plan. The Department shall develop and implement an Emergency Medical Disaster Plan to assist emergency medical services personnel and health care facilities in working together in a collaborative way and to provide support in situations where local medical resources are overwhelmed, including but not limited to public health emergencies, as that term is defined in Section 4 of the Illinois Emergency Management Agency Act. As part of the plan, the Department may designate lead hospitals in each Emergency Medical Services region established under this Act and may foster the creation and coordination of volunteer medical response teams that can be deployed to assist when a locality's capacity is overwhelmed. In developing an Emergency Medical Disaster Plan, the Department shall collaborate with the entities listed in Sections 2310-50.5 and 2310-620 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois.

Section 30. The Hospital Licensing Act is amended by changing Section 10.4 as follows:

(210 ILCS 85/10.4) (from Ch. 111 1/2, par. 151.4)

Sec. 10.4. Medical staff privileges.

(a) Any hospital licensed under this Act or any hospital organized under the University of Illinois Hospital Act shall, prior to the granting of any medical staff privileges to an applicant, or renewing a current medical staff member's privileges, request of the Director of Professional Regulation information concerning the licensure status and any disciplinary action taken against the applicant's or medical staff member's license, except: (1) for medical personnel who enter a hospital to obtain organs and tissues for transplant from a deceased donor in accordance with the Uniform Anatomical Gift Act; or (2) for medical personnel who have been granted disaster privileges pursuant to the procedures and requirements

established by rules adopted by the Department. Any hospital and any employees of the hospital or others involved in granting privileges that, in good faith, grants disaster privileges pursuant to this Section to respond to an emergency shall not, as a result of his, her, or its acts or omissions, be liable for civil damages for granting or denying disaster privileges except in the event of willful and wanton misconduct, as that term is defined in Section 10.2 of this Act. Individuals granted privileges who provide care in an emergency situation, in good faith and without direct compensation, shall not, as a result of his or her acts or omissions, except for acts or omissions involving willful and wanton misconduct, as that term is defined in Section 10.2 of this Act, on the part of the person, be liable for civil damages. The Director of Professional Regulation shall transmit, in writing and in a timely fashion, such information regarding the license of the applicant or the medical staff member, including the record of imposition of any periods of supervision or monitoring as a result of alcohol or substance abuse, as provided by Section 23 of the Medical Practice Act of 1987, and such information as may have been submitted to the Department indicating that the application or medical staff member has been denied, or has surrendered, medical staff privileges at a hospital licensed under this Act, or any equivalent facility in another state or territory of the United States. The Director of Professional Regulation shall define by rule the period for timely response to such requests.

No transmittal of information by the Director of Professional Regulation, under this Section shall be to other than the president, chief operating officer, chief administrative officer, or chief of the medical staff of a hospital licensed under this Act, a hospital organized under the University of Illinois Hospital Act, or a hospital operated by the United States, or any of its instrumentalities. The information so transmitted shall be afforded the same status as is information concerning medical studies by Part 21 of Article VIII of the Code of Civil Procedure, as now or hereafter amended.

(b) All hospitals licensed under this Act, except county hospitals as defined in subsection (c) of Section 15-1 of the Illinois Public Aid Code, shall comply with, and the medical staff bylaws of these hospitals shall include rules consistent with, the provisions of this Section in granting, limiting, renewing, or denying medical staff membership and clinical staff privileges. Hospitals that require medical staff members to possess faculty status with a specific institution of higher education are not required to comply with subsection (1) below when the physician does not possess faculty status.

(1) Minimum procedures for pre-applicants and applicants for medical staff membership shall include the following:

(A) Written procedures relating to the acceptance and processing of pre-applicants or applicants for medical staff membership, which should be contained in medical staff bylaws.

(B) Written procedures to be followed in determining a pre-applicant's or an applicant's qualifications for being granted medical staff membership and privileges.

(C) Written criteria to be followed in evaluating a pre-applicant's or an applicant's qualifications.

(D) An evaluation of a pre-applicant's or an applicant's current health status and current license status in Illinois.

(E) A written response to each pre-applicant or applicant that explains the reason or reasons for any adverse decision (including all reasons based in whole or in part on the applicant's medical qualifications or any other basis, including economic factors).

(2) Minimum procedures with respect to medical staff and clinical privilege determinations concerning current members of the medical staff shall include the following:

(A) A written notice of an adverse decision.

(B) An explanation of the reasons for an adverse decision including all reasons based on the quality of medical care or any other basis, including economic factors.

(C) A statement of the medical staff member's right to request a fair hearing on the adverse decision before a hearing panel whose membership is mutually agreed upon by the medical staff and the hospital governing board. The hearing panel shall have independent authority to recommend action to the hospital governing board. Upon the request of the medical staff member or the hospital governing board, the hearing panel shall make findings concerning the nature of each basis for any adverse decision recommended to and accepted by the hospital governing board.

(i) Nothing in this subparagraph (C) limits a hospital's or medical staff's right to summarily suspend, without a prior hearing, a person's medical staff membership or clinical privileges if the continuation of practice of a medical staff member constitutes an immediate danger to the public, including patients, visitors, and hospital employees and staff. A fair hearing shall be commenced within 15 days after the suspension and completed without delay.

(ii) Nothing in this subparagraph (C) limits a medical staff's right to permit, in the medical staff bylaws, summary suspension of membership or clinical privileges in designated administrative circumstances as specifically approved by the medical staff. This bylaw provision must specifically describe both the administrative circumstance that can result in a summary suspension and the length of the summary suspension. The opportunity for a fair hearing is required for any administrative summary suspension. Any requested hearing must be commenced within 15 days after the summary suspension and completed without delay. Adverse decisions other than suspension or other restrictions on the treatment or admission of patients may be imposed summarily and without a hearing under designated administrative circumstances as specifically provided for in the medical staff bylaws as approved by the medical staff.

(iii) If a hospital exercises its option to enter into an exclusive contract and that contract results in the total or partial termination or reduction of medical staff membership or clinical privileges of a current medical staff member, the hospital shall provide the affected medical staff member 60 days prior notice of the effect on his or her medical staff membership or privileges. An affected medical staff member desiring a hearing under subparagraph (C) of this paragraph (2) must request the hearing within 14 days after the date he or she is so notified. The requested hearing shall be commenced and completed (with a report and recommendation to the affected medical staff member, hospital governing board, and medical staff) within 30 days after the date of the medical staff member's request. If agreed upon by both the medical staff and the hospital governing board, the medical staff bylaws may provide for longer time periods.

(D) A statement of the member's right to inspect all pertinent information in the hospital's possession with respect to the decision.

(E) A statement of the member's right to present witnesses and other evidence at the hearing on the decision.

(F) A written notice and written explanation of the decision resulting from the hearing.

(F-5) A written notice of a final adverse decision by a hospital governing board.

(G) Notice given 15 days before implementation of an adverse medical staff membership or clinical privileges decision based substantially on economic factors. This notice shall be given after the medical staff member exhausts all applicable procedures under this Section, including item (iii) of subparagraph (C) of this paragraph (2), and under the medical staff bylaws in order to allow sufficient time for the orderly provision of patient care.

(H) Nothing in this paragraph (2) of this subsection (b) limits a medical staff member's right to waive, in writing, the rights provided in subparagraphs (A) through (G) of this paragraph (2) of this subsection (b) upon being granted the written exclusive right to provide particular services at a hospital, either individually or as a member of a group. If an exclusive contract is signed by a representative of a group of physicians, a waiver contained in the contract shall apply to all members of the group unless stated otherwise in the contract.

(3) Every adverse medical staff membership and clinical privilege decision based substantially on economic factors shall be reported to the Hospital Licensing Board before the decision takes effect. These reports shall not be disclosed in any form that reveals the identity of any hospital or physician. These reports shall be utilized to study the effects that hospital medical staff membership and clinical privilege decisions based upon economic factors have on access to care and the availability of physician services. The Hospital Licensing Board shall submit an initial study to the Governor and the General Assembly by January 1, 1996, and subsequent reports shall be submitted periodically thereafter.

(4) As used in this Section:

"Adverse decision" means a decision reducing, restricting, suspending, revoking, denying, or not renewing medical staff membership or clinical privileges.

"Economic factor" means any information or reasons for decisions unrelated to quality of care or professional competency.

"Pre-applicant" means a physician licensed to practice medicine in all its branches who requests an application for medical staff membership or privileges.

"Privilege" means permission to provide medical or other patient care services and permission to use hospital resources, including equipment, facilities and personnel that are necessary to effectively provide medical or other patient care services. This definition shall not be construed to require a hospital to acquire additional equipment, facilities, or personnel to accommodate the granting of privileges.

(5) Any amendment to medical staff bylaws required because of this amendatory Act of the 91st General Assembly shall be adopted on or before July 1, 2001.

(c) All hospitals shall consult with the medical staff prior to closing membership in the entire or any portion of the medical staff or a department. If the hospital closes membership in the medical staff, any portion of the medical staff, or the department over the objections of the medical staff, then the hospital shall provide a detailed written explanation for the decision to the medical staff 10 days prior to the effective date of any closure. No applications need to be provided when membership in the medical staff or any relevant portion of the medical staff is closed.

(Source: P.A. 90-14, eff. 7-1-97; 90-149, eff. 1-1-98; 90-655, eff. 7-30-98; 91-166, eff. 1-1-00.)

Section 35. The Health Care Professional Credentials Data Collection Act is amended by changing Section 15 as follows:

(410 ILCS 517/15)

Sec. 15. Development and use of uniform health care and hospital credentials forms.

(a) The Department, in consultation with the council, shall by rule establish:

(1) a uniform health care credentials form that shall include the credentials data commonly requested by health care entities and health care plans for purposes of credentialing and shall minimize the need for the collection of additional credentials data;

(2) a uniform health care recredentials form that shall include the credentials data commonly requested by health care entities and health care plans for purposes of recredentialing and shall minimize the need for the collection of additional credentials data;

(3) a uniform hospital credentials form that shall include the credentials data commonly requested by hospitals for purposes of credentialing and shall minimize the need for the collection of additional credentials data;

(4) a uniform hospital recredentials form that shall include the credentials data commonly requested by hospitals for purposes of recredentialing and shall minimize the need for collection of additional credentials data; and

(5) uniform updating forms.

(b) The uniform forms established in subsection (a) shall be coordinated to reduce the need to provide redundant information. Further, the forms shall be made available in both paper and electronic formats.

(c) The Department, in consultation with the council, shall establish by rule a date after which an electronic format may be required by a health care entity, a health care plan, or a hospital, and a health care professional may require acceptance of an electronic format by a health care entity, a health care plan, or a hospital.

(d) Beginning January 1, 2002, each health care entity or health care plan that employs, contracts with, or allows health care professionals to provide medical or health care services and requires health care professionals to be credentialed or recredentialed shall for purposes of collecting credentials data only require:

- (1) the uniform health care credentials form;
- (2) the uniform health care recredentials form;
- (3) the uniform updating forms; and
- (4) any additional credentials data requested.

(e) Beginning January 1, 2002, each hospital that employs, contracts with, or allows health care professionals to provide medical or health care services and requires health care professionals to be credentialed or recredentialed shall for purposes of collecting credentials data only require:

- (1) the uniform hospital credentials form;
- (2) the uniform hospital recredentials form;
- (3) the uniform updating forms; and
- (4) any additional credentials data requested.

(f) Each health care entity and health care plan shall complete the process of verifying a health care professional's credentials data in a timely fashion and shall complete the process of credentialing or recredentialing of the health care professional within 60 days after submission of all credentials data and completion of verification of the credentials data.

(g) Each health care professional shall provide any corrections, updates, and modifications to his or her credentials data to ensure that all credentials data on the health care professional remains current. Such corrections, updates, and modifications shall be provided within 5 business days for State health care professional license revocation, federal Drug Enforcement Agency license revocation, Medicare or Medicaid sanctions, revocation of hospital privileges, any lapse in professional liability coverage required

by a health care entity, health care plan, or hospital, or conviction of a felony, and within 45 days for any other change in the information from the date the health care professional knew of the change. All updates shall be made on the uniform updating forms developed by the Department.

(h) Any credentials data collected or obtained by the health care entity, health care plan, or hospital shall be confidential, as provided by law, and otherwise may not be redisclosed without written consent of the health care professional, except that in any proceeding to challenge credentialing or recredentialing, or in any judicial review, the claim of confidentiality shall not be invoked to deny a health care professional, health care entity, health care plan, or hospital access to or use of credentials data. Nothing in this Section prevents a health care entity, health care plan, or hospital from disclosing any credentials data to its officers, directors, employees, agents, subcontractors, medical staff members, any committee of the health care entity, health care plan, or hospital involved in the credentialing process, or accreditation bodies or licensing agencies. However, any redisclosure of credentials data contrary to this Section is prohibited.

(i) Nothing in this Act shall be construed to restrict the right of any health care entity, health care plan or hospital to request additional information necessary for credentialing or recredentialing.

(j) Nothing in this Act shall be construed to restrict in any way the authority of any health care entity, health care plan or hospital to approve, suspend or deny an application for hospital staff membership, clinical privileges, or managed care network participation.

(k) Nothing in this Act shall be construed to prohibit delegation of credentialing and recredentialing activities as long as the delegated entity follows the requirements set forth in this Act.

(l) Nothing in this Act shall be construed to require any health care entity or health care plan to credential or survey any health care professional.

(m) Nothing in this Act prohibits a hospital from granting disaster privileges pursuant to the provisions of Section 10.4 of the Hospital Licensing Act. When a hospital grants disaster privileges pursuant to Section 10.4 of the Hospital Licensing Act, that hospital is not required to collect credentials data pursuant to this Act.

(Source: P.A. 91-602, eff. 8-16-99; 92-193, eff. 1-1-02.)

Section 40. The Illinois Vehicle Code is amended by changing Sections 1-105 and 12-215 as follows:

(625 ILCS 5/1-105) (from Ch. 95 1/2, par. 1-105)

Sec. 1-105. Authorized emergency vehicle. Emergency vehicles of municipal departments or public service corporations as are designated or authorized by proper local authorities; police vehicles; vehicles of the fire department; ambulances; vehicles of the Illinois Emergency Management Agency; vehicles of the Illinois Department of Public Health; and vehicles of the Department of Nuclear Safety.

(Source: P.A. 92-138, eff. 7-24-01.)

(625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

Sec. 12-215. Oscillating, rotating or flashing lights on motor vehicles. Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Law enforcement vehicles of State, Federal or local authorities;

2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;

3. Vehicles of local fire departments and State or federal firefighting vehicles;

4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;

5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois;

6. Vehicles of the Illinois Emergency Management Agency, vehicles of the Illinois Department of Public Health, and vehicles of the Department of Nuclear Safety;

7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act; and

8. School buses operating alternately flashing head lamps as permitted under Section 12-805 of this Code.

(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code;

2. Motor vehicles or equipment of the State of Illinois, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;

3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;

4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;

5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code;

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code;

8. Such other vehicles as may be authorized by local authorities;

9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;

9.5. Propane delivery trucks;

10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;

11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1;

12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;

13. Vehicles used by a security company, alarm responder, or control agency;

14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located; and

15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project.

(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Rescue squad vehicles not owned by a fire department and vehicles owned or fully operated by a:

voluntary firefighter;

paid firefighter;

part-paid firefighter;

call firefighter;

member of the board of trustees of a fire protection district;

paid or unpaid member of a rescue squad;

paid or unpaid member of a voluntary ambulance unit; or

paid or unpaid members of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle.

However, such lights are not to be lighted except when responding to a bona fide emergency.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.
3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.
4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.
5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.
6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.
7. Vehicles of the Illinois Emergency Management Agency, vehicles of the Illinois Department of Public Health, and vehicles of the Department of Nuclear Safety, when used in combination with red oscillating, rotating, or flashing lights.
8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights.
 - (c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter, a voluntary member of a rescue squad, or a member of a voluntary ambulance unit may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call.
 - (c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating, rotating, or flashing lights to be used in combination with blue oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.
 - (d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except motor vehicles or equipment of the State of Illinois, local authorities, contractors, and union representatives may be so equipped; furthermore, such lights shall not be lighted on vehicles of the State of Illinois, local authorities, and contractors except while such vehicles are engaged in highway maintenance or construction operations within the limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of a construction project.
 - (e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.
 - (f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative from temporarily mounting such lights on a vehicle for demonstration purposes only.
 - (g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 4 felony.
 - (h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

(Source: P.A. 92-138, eff. 7-24-01; 92-407, eff. 8-17-01; 92-651, eff. 7-11-02; 92-782, eff. 8-6-02; 92-820, eff. 8-21-02; 92-872, eff. 6-1-03; 93-181, eff. 1-1-04.)

Section 45. The Communicable Disease Report Act is amended by changing Section 1 as follows:
(745 ILCS 45/1) (from Ch. 126, par. 21)

Sec. 1. Whenever any statute of this State or any ordinance or resolution of a municipal corporation or political subdivision enacted pursuant to statute or any rule of an administrative agency adopted pursuant to statute requires medical practitioners or other persons to report cases of injury, medical condition or procedure, communicable disease, venereal disease, or sexually transmitted disease to any governmental agency or officer, such reports shall be confidential, and any medical practitioner or other person making such report in good faith shall be immune from suit for slander or libel based upon any statements contained in such report.

The identity of any individual who makes a report or who is identified in a report of an injury, medical

condition or procedure, communicable disease, venereal disease, sexually transmitted disease, or food-borne illness or an investigation conducted pursuant to a report of an injury, medical condition or procedure, communicable disease, venereal disease, sexually transmitted disease, or food-borne illness shall be confidential and the identity of any person making a report or named therein shall not be disclosed publicly or in any action of any kind in any court or before any tribunal, board or agency; provided that records and communications concerning a venereal disease or sexually transmitted disease in any minor under 11 years of age shall be disclosed in accordance with the provisions of the Abused and Neglected Child Reporting Act, approved June 26, 1975, as now or hereafter amended.

The confidentiality provisions of this Act do not apply to the results of tests for diseases conducted pursuant to subsections (g) and (g-5) of Section 5-5-3 and subsection (a) of Section 3-15-2 of the Unified Code of Corrections.

Nothing in this Act prohibits the sharing of information as authorized in Section 2.1 of the Department of Public Health Act.

(Source: P.A. 89-187, eff. 7-19-95; 89-381, eff. 8-18-95; 89-477, eff. 6-18-96; 89-626, eff. 8-9-96.)

Section 50. The Workers' Compensation Act is amended by changing Section 11 as follows:

(820 ILCS 305/11) (from Ch. 48, par. 138.11)

Sec. 11. The compensation herein provided, together with the provisions of this Act, shall be the measure of the responsibility of any employer engaged in any of the enterprises or businesses enumerated in Section 3 of this Act, or of any employer who is not engaged in any such enterprises or businesses, but who has elected to provide and pay compensation for accidental injuries sustained by any employee arising out of and in the course of the employment according to the provisions of this Act, and whose election to continue under this Act, has not been nullified by any action of his employees as provided for in this Act.

Accidental injuries incurred while participating in voluntary recreational programs including but not limited to athletic events, parties and picnics do not arise out of and in the course of the employment even though the employer pays some or all of the cost thereof. This exclusion shall not apply in the event that the injured employee was ordered or assigned by his employer to participate in the program.

Accidental injuries incurred while participating as a patient in a drug or alcohol rehabilitation program do not arise out of and in the course of employment even though the employer pays some or all of the costs thereof.

Any injury to or disease or death of an employee arising from the administration of a vaccine, including without limitation smallpox vaccine, to prepare for, or as a response to, a threatened or potential bioterrorist incident to the employee as part of a voluntary inoculation program in connection with the person's employment or in connection with any governmental program or recommendation for the inoculation of workers in the employee's occupation, geographical area, or other category that includes the employee is deemed to arise out of and in the course of the employment for all purposes under this Act. This paragraph added by this amendatory Act of the 93rd General Assembly is declarative of existing law and is not a new enactment.

(Source: P.A. 81-1482.)

Section 55. The Workers' Occupational Diseases Act is amended by changing Section 1 as follows:

(820 ILCS 310/1) (from Ch. 48, par. 172.36)

Sec. 1. This Act shall be known and may be cited as the "Workers' Occupational Diseases Act".

(a) The term "employer" as used in this Act shall be construed to be:

1. The State and each county, city, town, township, incorporated village, school district, body politic, or municipal corporation therein.

2. Every person, firm, public or private corporation, including hospitals, public service, eleemosynary, religious or charitable corporations or associations, who has any person in service or under any contract for hire, express or implied, oral or written.

3. Where an employer operating under and subject to the provisions of this Act loans an employee to another such employer and such loaned employee sustains a compensable occupational disease in the employment of such borrowing employer and where such borrowing employer does not provide or pay the benefits or payments due such employee, such loaning employer shall be liable to provide or pay all benefits or payments due such employee under this Act and as to such employee the liability of such loaning and borrowing employers shall be joint and several, provided that such loaning employer shall in the absence of agreement to the contrary be entitled to receive from such borrowing employer full reimbursement for all sums paid or incurred pursuant to this paragraph together with reasonable attorneys' fees and expenses in any hearings before the Industrial Commission or in any action to secure such reimbursement. Where any benefit is provided or paid by such loaning employer, the employee shall have

the duty of rendering reasonable co-operation in any hearings, trials or proceedings in the case, including such proceedings for reimbursement.

Where an employee files an Application for Adjustment of Claim with the Industrial Commission alleging that his or her claim is covered by the provisions of the preceding paragraph, and joining both the alleged loaning and borrowing employers, they and each of them, upon written demand by the employee and within 7 days after receipt of such demand, shall have the duty of filing with the Industrial Commission a written admission or denial of the allegation that the claim is covered by the provisions of the preceding paragraph and in default of such filing or if any such denial be ultimately determined not to have been bona fide then the provisions of Paragraph K of Section 19 of this Act shall apply.

An employer whose business or enterprise or a substantial part thereof consists of hiring, procuring or furnishing employees to or for other employers operating under and subject to the provisions of this Act for the performance of the work of such other employers and who pays such employees their salary or wage notwithstanding that they are doing the work of such other employers shall be deemed a loaning employer within the meaning and provisions of this Section.

(b) The term "employee" as used in this Act, shall be construed to mean:

1. Every person in the service of the State, county, city, town, township, incorporated village or school district, body politic or municipal corporation therein, whether by election, appointment or contract of hire, express or implied, oral or written, including any official of the State, or of any county, city, town, township, incorporated village, school district, body politic or municipal corporation therein and except any duly appointed member of the fire department in any city whose population exceeds 500,000 according to the last Federal or State census, and except any member of a fire insurance patrol maintained by a board of underwriters in this State. One employed by a contractor who has contracted with the State, or a county, city, town, township, incorporated village, school district, body politic or municipal corporation therein, through its representatives, shall not be considered as an employee of the State, county, city, town, township, incorporated village, school district, body politic or municipal corporation which made the contract.

2. Every person in the service of another under any contract of hire, express or implied, oral or written, who contracts an occupational disease while working in the State of Illinois, or who contracts an occupational disease while working outside of the State of Illinois but where the contract of hire is made within the State of Illinois, and any person whose employment is principally localized within the State of Illinois, regardless of the place where the disease was contracted or place where the contract of hire was made, including aliens, and minors who, for the purpose of this Act, except Section 3 hereof, shall be considered the same and have the same power to contract, receive payments and give quittances therefor, as adult employees. An employee or his or her dependents under this Act who shall have a cause of action by reason of an occupational disease, disablement or death arising out of and in the course of his or her employment may elect or pursue his or her remedy in the State where the disease was contracted, or in the State where the contract of hire is made, or in the State where the employment is principally localized.

(c) "Commission" means the Industrial Commission created by the Workers' Compensation Act, approved July 9, 1951, as amended.

(d) In this Act the term "Occupational Disease" means a disease arising out of and in the course of the employment or which has become aggravated and rendered disabling as a result of the exposure of the employment. Such aggravation shall arise out of a risk peculiar to or increased by the employment and not common to the general public.

A disease shall be deemed to arise out of the employment if there is apparent to the rational mind, upon consideration of all the circumstances, a causal connection between the conditions under which the work is performed and the occupational disease. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin or aggravation in a risk connected with the employment and to have flowed from that source as a rational consequence.

An employee shall be conclusively deemed to have been exposed to the hazards of an occupational disease when, for any length of time however short, he or she is employed in an occupation or process in which the hazard of the disease exists; provided however, that in a claim of exposure to atomic radiation, the fact of such exposure must be verified by the records of the central registry of radiation exposure maintained by the Department of Public Health or by some other recognized governmental agency maintaining records of such exposures whenever and to the extent that the records are on file with the Department of Public Health or the agency.

Any injury to or disease or death of an employee arising from the administration of a vaccine, including without limitation smallpox vaccine, to prepare for, or as a response to, a threatened or potential bioterrorist

incident to the employee as part of a voluntary inoculation program in connection with the person's employment or in connection with any governmental program or recommendation for the inoculation of workers in the employee's occupation, geographical area, or other category that includes the employee is deemed to arise out of and in the course of the employment for all purposes under this Act. This paragraph added by this amendatory Act of the 93rd General Assembly is declarative of existing law and is not a new enactment.

The employer liable for the compensation in this Act provided shall be the employer in whose employment the employee was last exposed to the hazard of the occupational disease claimed upon regardless of the length of time of such last exposure, except, in cases of silicosis or asbestosis, the only employer liable shall be the last employer in whose employment the employee was last exposed during a period of 60 days or more after the effective date of this Act, to the hazard of such occupational disease, and, in such cases, an exposure during a period of less than 60 days, after the effective date of this Act, shall not be deemed a last exposure. If a miner who is suffering or suffered from pneumoconiosis was employed for 10 years or more in one or more coal mines there shall, effective July 1, 1973 be a rebuttable presumption that his or her pneumoconiosis arose out of such employment.

If a deceased miner was employed for 10 years or more in one or more coal mines and died from a respirable disease there shall, effective July 1, 1973, be a rebuttable presumption that his or her death was due to pneumoconiosis.

The insurance carrier liable shall be the carrier whose policy was in effect covering the employer liable on the last day of the exposure rendering such employer liable in accordance with the provisions of this Act.

(e) "Disablement" means an impairment or partial impairment, temporary or permanent, in the function of the body or any of the members of the body, or the event of becoming disabled from earning full wages at the work in which the employee was engaged when last exposed to the hazards of the occupational disease by the employer from whom he or she claims compensation, or equal wages in other suitable employment; and "disability" means the state of being so incapacitated.

(f) No compensation shall be payable for or on account of any occupational disease unless disablement, as herein defined, occurs within two years after the last day of the last exposure to the hazards of the disease, except in cases of occupational disease caused by berylliosis or by the inhalation of silica dust or asbestos dust and, in such cases, within 3 years after the last day of the last exposure to the hazards of such disease and except in the case of occupational disease caused by exposure to radiological materials or equipment, and in such case, within 25 years after the last day of last exposure to the hazards of such disease.

(Source: P.A. 81-992.)

Section 60. The Illinois Administrative Procedure Act is amended by changing Section 5-45 as follows:

(5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

Sec. 5-45. Emergency rulemaking.

(a) "Emergency" means the existence of any situation that any agency finds reasonably constitutes a threat to the public interest, safety, or welfare.

(b) If any agency finds that an emergency exists that requires adoption of a rule upon fewer days than is required by Section 5-40 and states in writing its reasons for that finding, the agency may adopt an emergency rule without prior notice or hearing upon filing a notice of emergency rulemaking with the Secretary of State under Section 5-70. The notice shall include the text of the emergency rule and shall be published in the Illinois Register. Consent orders or other court orders adopting settlements negotiated by an agency may be adopted under this Section. Subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing under Section 5-65 or at a stated date less than 10 days thereafter. The agency's finding and a statement of the specific reasons for the finding shall be filed with the rule. The agency shall take reasonable and appropriate measures to make emergency rules known to the persons who may be affected by them.

(c) An emergency rule may be effective for a period of not longer than 150 days, but the agency's authority to adopt an identical rule under Section 5-40 is not precluded. No emergency rule may be adopted more than once in any 24 month period, except that this limitation on the number of emergency rules that may be adopted in a 24 month period does not apply to (i) emergency rules that make additions to and deletions from the Drug Manual under Section 5-5.16 of the Illinois Public Aid Code or the generic drug formulary under Section 3.14 of the Illinois Food, Drug and Cosmetic Act, ~~or~~ (ii) emergency rules adopted by the Pollution Control Board before July 1, 1997 to implement portions of the Livestock Management Facilities Act ; or (iii) emergency rules adopted by the Illinois Department of Public Health under

subsections (a) through (i) of Section 2 of the Department of Public Health Act when necessary to protect the public's health. Two or more emergency rules having substantially the same purpose and effect shall be deemed to be a single rule for purposes of this Section.

(d) In order to provide for the expeditious and timely implementation of the State's fiscal year 1999 budget, emergency rules to implement any provision of Public Act 90-587 or 90-588 or any other budget initiative for fiscal year 1999 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (d). The adoption of emergency rules authorized by this subsection (d) shall be deemed to be necessary for the public interest, safety, and welfare.

(e) In order to provide for the expeditious and timely implementation of the State's fiscal year 2000 budget, emergency rules to implement any provision of this amendatory Act of the 91st General Assembly or any other budget initiative for fiscal year 2000 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (e). The adoption of emergency rules authorized by this subsection (e) shall be deemed to be necessary for the public interest, safety, and welfare.

(f) In order to provide for the expeditious and timely implementation of the State's fiscal year 2001 budget, emergency rules to implement any provision of this amendatory Act of the 91st General Assembly or any other budget initiative for fiscal year 2001 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (f). The adoption of emergency rules authorized by this subsection (f) shall be deemed to be necessary for the public interest, safety, and welfare.

(g) In order to provide for the expeditious and timely implementation of the State's fiscal year 2002 budget, emergency rules to implement any provision of this amendatory Act of the 92nd General Assembly or any other budget initiative for fiscal year 2002 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (g). The adoption of emergency rules authorized by this subsection (g) shall be deemed to be necessary for the public interest, safety, and welfare.

(h) In order to provide for the expeditious and timely implementation of the State's fiscal year 2003 budget, emergency rules to implement any provision of this amendatory Act of the 92nd General Assembly or any other budget initiative for fiscal year 2003 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (h). The adoption of emergency rules authorized by this subsection (h) shall be deemed to be necessary for the public interest, safety, and welfare.

(i) In order to provide for the expeditious and timely implementation of the State's fiscal year 2004 budget, emergency rules to implement any provision of this amendatory Act of the 93rd General Assembly or any other budget initiative for fiscal year 2004 may be adopted in accordance with this Section by the agency charged with administering that provision or initiative, except that the 24-month limitation on the adoption of emergency rules and the provisions of Sections 5-115 and 5-125 do not apply to rules adopted under this subsection (i). The adoption of emergency rules authorized by this subsection (i) shall be deemed to be necessary for the public interest, safety, and welfare.

(Source: P.A. 92-10, eff. 6-11-01; 92-597, eff. 6-28-02; 93-20, eff. 6-20-03.)

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 5823. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Environment & Energy, adopted and printed.

AMENDMENT NO. 1 . Amend House Bill 5823 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Section 42 as follows:

(415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)

Sec. 42. Civil penalties.

(a) Except as provided in this Section, any person that violates any provision of this Act or any regulation adopted by the Board, or any permit or term or condition thereof, or that violates any order of the Board pursuant to this Act, shall be liable for a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues; such penalties may, upon order of the Board or a court of competent jurisdiction, be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act.

(b) Notwithstanding the provisions of subsection (a) of this Section:

(1) Any person that violates Section 12(f) of this Act or any NPDES permit or term or condition thereof, or any filing requirement, regulation or order relating to the NPDES permit program, shall be liable to a civil penalty of not to exceed \$10,000 per day of violation.

(2) Any person that violates Section 12(g) of this Act or any UIC permit or term or condition thereof, or any filing requirement, regulation or order relating to the State UIC program for all wells, except Class II wells as defined by the Board under this Act, shall be liable to a civil penalty not to exceed \$2,500 per day of violation; provided, however, that any person who commits such violations relating to the State UIC program for Class II wells, as defined by the Board under this Act, shall be liable to a civil penalty of not to exceed \$10,000 for the violation and an additional civil penalty of not to exceed \$1,000 for each day during which the violation continues.

(3) Any person that violates Sections 21(f), 21(g), 21(h) or 21(i) of this Act, or any RCRA permit or term or condition thereof, or any filing requirement, regulation or order relating to the State RCRA program, shall be liable to a civil penalty of not to exceed \$25,000 per day of violation.

(4) In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (o) of Section 21 of this Act shall pay a civil penalty of \$500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency. Such penalties shall be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act; except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(4-5) In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (p) of Section 21 of this Act shall pay a civil penalty of \$1,500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency, except that the civil penalty amount shall ~~be~~ ~~be a~~ \$3,000 for each violation of any provision of subsection (p) of Section 21 that is the person's second ~~a second~~ or subsequent adjudication violation of that provision. The penalties shall be deposited into the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act; except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(5) Any person who violates subsection 6 of Section 39.5 of this Act or any CAAPP permit, or term or condition thereof, or any fee or filing requirement, or any duty to allow or carry out inspection, entry or monitoring activities, or any regulation or order relating to the CAAPP shall be liable for a civil penalty not to exceed \$10,000 per day of violation.

(b.5) In lieu of the penalties set forth in subsections (a) and (b) of this Section, any person who fails to file, in a timely manner, toxic chemical release forms with the Agency pursuant to Section 25b-2 of this Act shall be liable for a civil penalty of \$100 per day for each day the forms are late, not to exceed a maximum total penalty of \$6,000. This daily penalty shall begin accruing on the thirty-first day after the date that the person receives the warning notice issued by the Agency pursuant to Section 25b-6 of this Act; and the penalty shall be paid to the Agency. The daily accrual of penalties shall cease as of January 1 of the following year. All penalties collected by the Agency pursuant to this subsection shall be deposited into the Environmental Protection Permit and Inspection Fund.

(c) Any person that violates this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order and causes the death of fish or aquatic life shall, in addition to the other penalties provided by this Act, be liable to pay to the State an additional sum for the reasonable value of the fish or aquatic life destroyed. Any money so recovered shall be placed in the Wildlife and Fish Fund in the State Treasury.

(d) The penalties provided for in this Section may be recovered in a civil action.

(e) The State's Attorney of the county in which the violation occurred, or the Attorney General, may, at the request of the Agency or on his own motion, institute a civil action for an injunction, prohibitory or mandatory, to restrain violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order, or to require such other actions as may be necessary to address violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order.

(f) The State's Attorney of the county in which the violation occurred, or the Attorney General, shall bring such actions in the name of the people of the State of Illinois. Without limiting any other authority which may exist for the awarding of attorney's fees and costs, the Board or a court of competent jurisdiction may award costs and reasonable attorney's fees, including the reasonable costs of expert witnesses and consultants, to the State's Attorney or the Attorney General in a case where he has prevailed against a person who has committed a wilful, knowing or repeated violation of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order.

Any funds collected under this subsection (f) in which the Attorney General has prevailed shall be deposited in the Hazardous Waste Fund created in Section 22.2 of this Act. Any funds collected under this subsection (f) in which a State's Attorney has prevailed shall be retained by the county in which he serves.

(g) All final orders imposing civil penalties pursuant to this Section shall prescribe the time for payment of such penalties. If any such penalty is not paid within the time prescribed, interest on such penalty at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, shall be paid for the period from the date payment is due until the date payment is received. However, if the time for payment is stayed during the pendency of an appeal, interest shall not accrue during such stay.

(h) In determining the appropriate civil penalty to be imposed under subdivisions (a), (b)(1), (b)(2), (b)(3), or (b)(5) of this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

- (1) the duration and gravity of the violation;
- (2) the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
- (3) any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
- (4) the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
- (5) the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
- (6) whether the respondent voluntarily self-disclosed, in accordance with subsection (i) of this Section, the non-compliance to the Agency; and
- (7) whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform.

In determining the appropriate civil penalty to be imposed under subsection (a) or paragraph (1), (2), (3), or (5) of subsection (b) of this Section, the Board shall ensure, in all cases, that the penalty is at least as great as the economic benefits, if any, accrued by the respondent as a result of the violation, unless the Board finds that imposition of such penalty would result in an arbitrary or unreasonable financial hardship. However, such civil penalty may be off-set in whole or in part pursuant to a supplemental environmental project agreed to by the complainant and the respondent.

(i) A person who voluntarily self-discloses non-compliance to the Agency, of which the Agency had been unaware, is entitled to a 100% reduction in the portion of the penalty that is not based on the economic benefit of non-compliance if the person can establish the following:

- (1) that the non-compliance was discovered through an environmental audit, as defined in Section 52.2 of this Act, and the person waives the environmental audit privileges as provided in that Section with respect to that non-compliance;
- (2) that the non-compliance was disclosed in writing within 30 days of the date on which the person discovered it;
- (3) that the non-compliance was discovered and disclosed prior to:
 - (i) the commencement of an Agency inspection, investigation, or request for information;
 - (ii) notice of a citizen suit;
 - (iii) the filing of a complaint by a citizen, the Illinois Attorney General, or the State's Attorney of the county in which the violation occurred;
 - (iv) the reporting of the non-compliance by an employee of the person without that person's knowledge; or
 - (v) imminent discovery of the non-compliance by the Agency;
- (4) that the non-compliance is being corrected and any environmental harm is being remediated in a timely fashion;
- (5) that the person agrees to prevent a recurrence of the non-compliance;
- (6) that no related non-compliance events have occurred in the past 3 years at the same facility or in the past 5 years as part of a pattern at multiple facilities owned or operated by the person;
- (7) that the non-compliance did not result in serious actual harm or present an imminent and substantial endangerment to human health or the environment or violate the specific terms of any judicial or administrative order or consent agreement;
- (8) that the person cooperates as reasonably requested by the Agency after the disclosure; and
- (9) that the non-compliance was identified voluntarily and not through a monitoring, sampling, or auditing procedure that is required by statute, rule, permit, judicial or administrative order, or consent agreement.

If a person can establish all of the elements under this subsection except the element set forth in paragraph (1) of this subsection, the person is entitled to a 75% reduction in the portion of the penalty that is not based upon the economic benefit of non-compliance.

(Source: P.A. 93-152, eff. 7-10-03; 93-575, eff. 1-1-04; revised 9-11-03.)

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 4197. Having been read by title a second time on March 31, 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 4197 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 2-3.123 as follows:

(105 ILCS 5/2-3.123)

Sec. 2-3.123. Giant Steps pilot program. From appropriations made for purposes of this Section, the State Board of Education shall implement and administer a Giant Steps pilot program for the study and evaluation of autism and to provide related teacher training. The program shall be operated over a period of 3 school years, beginning with the 1997-1998 school year. The State Board of Education is authorized to make grants to school districts that apply to participate in the Giant Steps program as implemented and administered by the State Board of Education. The State Board of Education shall by rule provide the form of application and criteria to be used and applied in selecting participating school districts.

(Source: P.A. 90-498, eff. 8-18-97; 90-655, eff. 7-30-98.)"

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 4501. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

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

AMENDMENT NO. 1. Amend House Bill 4501 as follows:
on page 1, line 5, by changing "Sections 21-250 and 21-385" to "Section 21-250"; and
on page 2, by deleting lines 25 through 35; and
on page 3, by deleting lines 1 through 24.

Representative Giles offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4501, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 21-45 as follows:
(35 ILCS 200/21-45)

Sec. 21-45. Failure to issue tax bill in prior year. In the event no tax bill was issued as provided in Section 21-30, on any property in any previous year for any reason, one tax bill shall be prepared and mailed by July 1 of the year subsequent to the year in which no tax bill was issued, and taxes on that property for that year only shall bear interest after the first day of August of that year at the rate of 1 1/2% per month or portion of the month ~~thereof~~ until paid or forfeited.

(Source: P.A. 87-17; 88-455.)"

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 6769. Having been read by title a second time on March 29, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Graham offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 6769 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Health Facilities Planning Act is amended by changing Section 3 and by adding Section 8.5 as follows:

(20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)

(Section scheduled to be repealed on July 1, 2008)

Sec. 3. Definitions. As used in this Act:

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

1. An ambulatory surgical treatment center required to be licensed pursuant to the Ambulatory Surgical Treatment Center Act;
2. An institution, place, building, or agency required to be licensed pursuant to the Hospital Licensing Act;
3. Skilled and intermediate long term care facilities licensed under the Nursing Home Care Act;
3. Skilled and intermediate long term care facilities licensed under the Nursing Home Care Act;
4. Hospitals, nursing homes, ambulatory surgical treatment centers, or kidney disease treatment centers maintained by the State or any department or agency thereof;
5. Kidney disease treatment centers, including a free-standing hemodialysis unit; and
6. An institution, place, building, or room used for the performance of outpatient surgical procedures that is leased, owned, or operated by or on behalf of an out-of-state facility.

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

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

A facility designated as a supportive living facility that is in good standing with the demonstration project established under Section 5-5.01a of the Illinois Public Aid Code shall not be subject to the provisions of this Act.

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

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

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

"Person" means any one or more natural persons, legal entities, governmental bodies other than federal, or any combination thereof.

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

"State Board" means the Health Facilities Planning Board.

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

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

"Major medical equipment" means medical equipment which is used for the provision of medical and other health services and which costs in excess of the capital expenditure minimum, except that such term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of Section 1861(s) of such Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of such equipment shall be included.

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

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

"Capital expenditure minimum" means \$6,000,000, which shall be annually adjusted to reflect the increase in construction costs due to inflation, for major medical equipment and for all other capital expenditures; provided, however, that when a capital expenditure is for the construction or modification of a health and fitness center, "capital expenditure minimum" means the capital expenditure minimum for all other capital expenditures in effect on March 1, 2000, which shall be annually adjusted to reflect the increase in construction costs due to inflation.

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

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

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

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

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

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

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

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

"Agency" means the Illinois Department of Public Health.

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

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

"Out-of-state facility" means a person that is both (i) licensed as a hospital or as an ambulatory surgery center under the laws of another state or that qualifies as a hospital or an ambulatory surgery center under regulations adopted pursuant to the Social Security Act and (ii) not licensed under the Ambulatory Surgical Treatment Center Act, the Hospital Licensing Act, or the Nursing Home Care Act. Affiliates of out-of-state facilities shall be considered out-of-state facilities. Affiliates of Illinois licensed health care facilities 100% owned by an Illinois licensed health care facility, its parent, or Illinois physicians licensed to practice medicine in all its branches shall not be considered out-of-state facilities. Nothing in this definition shall be construed to include an office or any part of an office of a physician licensed to practice medicine in all its

branches in Illinois that is not required to be licensed under the Ambulatory Surgical Treatment Center Act.

"Change of ownership of a health care facility" means a change in the person who has ownership or control of a health care facility's physical plant and capital assets. A change in ownership is indicated by the following transactions: sale, transfer, acquisition, lease, change of sponsorship, or other means of transferring control.

"Related person" means any person that: (i) is at least 50% owned, directly or indirectly, by either the health care facility or a person owning, directly or indirectly, at least 50% of the health care facility; or (ii) owns, directly or indirectly, at least 50% of the health care facility.

"Charity care" means care provided by a health care facility for which the provider does not expect to receive payment from the patient or a third-party payer.

(Source: P.A. 93-41, eff. 6-27-03.)

(20 ILCS 3960/8.5 new)

Sec. 8.5. Certificate of exemption for change of ownership of a health care facility; public notice and public hearing.

(a) Upon a finding by the Department of Public Health that an application for a change of ownership is complete, the Department of Public Health shall publish a legal notice on 3 consecutive days in a newspaper of general circulation in the area or community to be affected and afford the public an opportunity to request a hearing. If the application is for a facility located in a Metropolitan Statistical Area, an additional legal notice shall be published in a newspaper of limited circulation, if one exists, in the area in which the facility is located. If the newspaper of limited circulation is published on a daily basis, the additional legal notice shall be published on 3 consecutive days. The legal notice shall also be posted on the Illinois Health Facilities Planning Board's web site and sent to the State Representative and State Senator of the district in which the health care facility is located. The Department of Public Health shall not find that an application for change of ownership of a hospital is complete without a signed certification that for a period of 2 years after the change of ownership transaction is effective, the hospital will not adopt a charity care policy that is more restrictive than the policy in effect during the year prior to the transaction.

For the purposes of this subsection, "newspaper of limited circulation" means a newspaper intended to serve a particular or defined population of a specific geographic area within a Metropolitan Statistical Area such as a municipality, town, village, township, or community area, but does not include publications of professional and trade associations.

(b) If a public hearing is requested, it shall be held at least 15 days but no more than 30 days after the date of publication of the legal notice in the community in which the facility is located. The hearing shall be held in a place of reasonable size and accessibility and a full and complete written transcript of the proceedings shall be made. The applicant shall provide a summary of the proposed change of ownership for distribution at the public hearing."

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 6220. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

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 4099. Having been read by title a second time on March 30, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Hamos offered and withdrew Amendment No. 1.

Representative Hamos offered the following amendments and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 4099 as follows:
 on page 1, immediately below page 29, by inserting the following:
 ""Department" means the Department of Commerce and Economic Opportunity."; and
 on page 2, line 8, after "Board", by inserting ", in consultation with the Department,"; and
 on page 2, by replacing line 20 with the following:
 "(a) The Code shall take effect one year after it is adopted by the Board and"; and
 on page 2, by replacing line 23 with the following:
 "municipality or county, except as otherwise provided by this"; and
 on page 3, line 15, by changing "Board" to "Department"; and
 on page 3, line 23, by changing "Board" to "Department"; and
 on page 3, line 26, after "Board", by inserting ", in consultation with the Department,"; and
 on page 4, lines 16 and 17, by changing "one year after" to "upon".

AMENDMENT NO. 3. Amend House Bill 4099 on page 2, line 24, after "Act.", by inserting the following:
 "In the case of any addition, alteration, renovation, or repair to an existing commercial structure, the Code adopted under this Act applies only to the portions of that structure that are being added, altered, renovated, or repaired."

AMENDMENT NO. 4. Amend House Bill 4099 as follows:
 on page 1, line 26, by changing "Code, the" to "Code, the ASHRAE 90.1-1999 Standard, which is included within that Code, the"; and
 on page 2, by replacing lines 25 and 26 with the following:
 "(b) The following buildings shall be exempt from the Code:"; and
 on page 4, line 15, after "State.", by inserting "Nothing in this Section, however, prevents a unit of local government from adopting an energy efficiency code or standards that are more stringent than the Code under this Act."

The motion prevailed and the amendments were adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 2, 3 and 4 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 4953. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

HOUSE BILL 4723. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Leitch offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 4723 by replacing everything after the enacting clause with the following:

"Section 5. The Children and Family Services Act is amended by changing Section 1.1 as follows:
 (20 ILCS 505/1.1) (from Ch. 23, par. 5001.1)
 Sec. 1.1. Short title. This Act ~~shall be known as~~ may be cited as the Children and Family Services Act.
 (Source: P.A. 86-820.)"

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 Leitch, HOUSE BILL 4723 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; 33, Nays; 1, Answering Present.
(ROLL CALL 37)

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 Madigan, HOUSE BILL 5320 was taken up and read by title a third time. Representative Black moves to put this bill on standard debate.

The motion prevailed.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 118, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 38)

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 4285. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Kelly offered the following amendment and moved its adoption.

AMENDMENT NO. 1 . Amend House Bill 4285 by replacing everything after the enacting clause with the following:

"Section 5. The Economic Development for a Growing Economy Tax Credit Act is amended by changing Section 5-20 as follows:

(35 ILCS 10/5-20)

Sec. 5-20. Application for a project to create and retain new jobs.

(a) Any Taxpayer proposing a project located or planned to be located in Illinois may request consideration for designation of its project, by formal written letter of request or by formal application to the Department, in which the Applicant states its intent to make at least a specified level of investment and intends to hire or retain a specified number of full-time employees at a designated location in Illinois. As circumstances require, the Department may require a formal application from an Applicant and a formal letter of request for assistance.

(b) In order to qualify for Credits under this Act, an Applicant's project must:

(1) involve an investment of at least \$5,000,000 in capital improvements to be placed in service and to employ at least 25 New Employees within the State as a direct result of the project; ~~or~~

(2) involve an investment of at least an amount (to be expressly specified by the Department and the Committee) in capital improvements to be placed in service and will employ at least an amount (to be expressly specified by the Department and the Committee) of New Employees within the State, provided that the Department and the Committee have determined that the project will provide a substantial economic benefit to the State; ~~or~~ -

(3) if the applicant has 100 or fewer employees, involve an investment of at least \$1,000,000 in capital improvements to be placed in service and to employ at least 5 New Employees within the State as a direct result of the project.

(c) After receipt of an application, the Department may enter into an Agreement with the Applicant if the application is accepted in accordance with Section 5-25.

(Source: P.A. 91-476, eff. 8-11-99.)"

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 6983. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

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

AMENDMENT NO. ___1___. Amend House Bill 6983 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Procurement of Domestic Products Act.

Section 5. Definitions. As used in this Act:

"Purchasing agency" means a State agency.

"State agency" means each agency, department authority, board, commission of the executive branch of State government, including each university, whether created by statute or by executive order of the Governor.

"United States" means the United States and any place subject to the jurisdiction of the United States.

Section 10. United States products.

(a) Each purchasing agency making purchases of manufactured articles, materials, and supplies shall promote the purchase of and give preference to manufactured articles, materials, and supplies that have been produced in the United States. Manufactured articles, materials, and supplies manufactured in the United States shall be specified and purchased unless the purchasing agency determines that any of the following applies:

(1) The manufactured articles, materials, and supplies are not manufactured in the United States in reasonably available quantities.

(2) The price of the manufactured articles, materials, and supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable manufactured articles, materials, and supplies manufactured outside the United States.

(3) The quality of the manufactured articles, materials, and supplies manufactured in the United States is substantially less than the quality of the comparably priced, available, and comparable manufactured articles, materials, and supplies manufactured outside the United States.

(4) The purchase of the manufactured articles, materials, and supplies manufactured in the United States is not in the public interest.

In determining the price of manufactured articles, materials, and supplies for purposes of this Section, consideration shall be given to the life-cycle cost of those manufactured articles, materials, and supplies.

(b) If an exception listed in paragraph (1), (2), (3), or (4) of subsection (a) applies and the manufactured article, material, or supply consists of assembled components, preference shall be given to the article, material, or supply that contains the highest percentage of components, based on the value of all components, that are manufactured in the United States.

Section 15. Source of content. Each bid to provide a purchasing agency with manufactured articles, materials, or supplies must identify the country in which each article, material, or supply was manufactured. If a manufactured article, material, or supply consists of assembled components, the source of each component must be identified.

Section 20. Contracts. Each contract awarded by a purchasing agency on or after the effective date of this Act through the use of the preference required under Section 10 shall contain the contractor's certification that manufactured articles, materials, and supplies provided pursuant to the contract or a subcontract shall be manufactured within the United States.

Section 25. Federal and State law.

(a) Nothing in this Act is intended to contravene any existing treaty, law, agreement, or regulation of the United States. Contracts entered into in accordance with any treaty, law, agreement, or regulation of the United States shall not be in violation of this Act to the extent of that accordance.

(b) The preference required by this Act is in addition to any other preference afforded by State law.

Section 90. The Illinois Procurement Code is amended by changing Section 45-65 as follows:

(30 ILCS 500/45-65)

Sec. 45-65. Additional preferences. This Code is subject to applicable provisions of:

- (1) the Public Purchases in Other States Act;
- (2) the Illinois Mined Coal Act;
- (3) the Steel Products Procurement Act;
- (4) the Veterans Preference Act; ~~and~~
- (5) the Business Enterprise for Minorities, Females, and Persons with Disabilities Act; and -
- (6) The Procurement of Domestic Products Act.

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)".

Representative May offered the following amendment and moved its adoption:

AMENDMENT NO. 2 . Amend House Bill 6983, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Procurement of Domestic Products Act.

Section 5. Definitions. As used in this Act:

"Manufactured in the United States" means, in the case of assembled articles, materials, or supplies, that final assembly occurs in the United States.

"Purchasing agency" means a State agency.

"State agency" means each agency, department authority, board, commission of the executive branch of State government, including each university, whether created by statute or by executive order of the Governor.

"United States" means the United States and any place subject to the jurisdiction of the United States.

Section 10. United States products. Each purchasing agency making purchases of manufactured articles, materials, and supplies shall promote the purchase of and give preference to manufactured articles, materials, and supplies that have been manufactured in the United States. Manufactured articles, materials, and supplies manufactured in the United States shall be specified and purchased unless the purchasing agency determines that any of the following applies:

- (1) The manufactured articles, materials, and supplies are not manufactured in the United States in reasonably available quantities.
- (2) The price of the manufactured articles, materials, and supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable manufactured articles, materials, and supplies manufactured outside the United States.
- (3) The quality of the manufactured articles, materials, and supplies manufactured in the United States is substantially less than the quality of the comparably priced, available, and comparable manufactured articles, materials, and supplies manufactured outside the United States.
- (4) The purchase of the manufactured articles, materials, and supplies manufactured in the United States is not in the public interest.

In determining the price of manufactured articles, materials, and supplies for purposes of this Section, consideration shall be given to the life-cycle cost of those manufactured articles, materials, and supplies.

Section 15. Contracts; prequalification.

(a) Each contract awarded by a purchasing agency on or after the effective date of this Act through the use of the preference required under Section 10 shall contain the contractor's certification that manufactured articles, materials, and supplies provided pursuant to the contract or a subcontract shall be manufactured in the United States.

(b) Chief procurement officers, as provided in Section 20-45 of the Illinois Procurement Code, and the Capital Development Board, as provided in Section 30-20 of the Illinois Procurement Code, must promulgate rules for prequalification of suppliers under this Section.

Section 20. Federal and State law.

(a) Nothing in this Act is intended to contravene any existing treaty, law, agreement, or regulation of the United States. Contracts entered into in accordance with any treaty, law, agreement, or regulation of the United States shall not be in violation of this Act to the extent of that accordance. No preference shall be granted under this Act if that preference would contravene any treaty, law, agreement, or regulation of the United States.

(b) The preference required by this Act is in addition to any other preference afforded by State law.

Section 25. Penalties. If a contractor is awarded a contract through the use of a preference under this Act and knowingly supplies manufactured articles, materials, or supplies under that contract that are not

manufactured in the United States, then (i) the contractor is barred from obtaining any State contract for a period of 5 years after the violation is discovered by the purchasing agency, (ii) the purchasing agency may void the contract, and (iii) the purchasing agency may recover damages in a civil action in an amount 3 times the value of the preference.

Section 90. The Illinois Procurement Code is amended by changing Section 45-65 as follows:

(30 ILCS 500/45-65)

Sec. 45-65. Additional preferences. This Code is subject to applicable provisions of:

- (1) the Public Purchases in Other States Act;
- (2) the Illinois Mined Coal Act;
- (3) the Steel Products Procurement Act;
- (4) the Veterans Preference Act; ~~and~~
- (5) the Business Enterprise for Minorities, Females, and Persons with Disabilities Act; and -
- (6) The Procurement of Domestic Products Act.

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)".

AMENDMENT NO. 3. Amend House Bill 6983, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Procurement of Domestic Products Act.

Section 5. Definitions. As used in this Act:

"Manufactured in the United States" means, in the case of assembled articles, materials, or supplies, that final assembly occurs in the United States.

"Purchasing agency" means a State agency.

"State agency" means each agency, department authority, board, commission of the executive branch of State government, including each university, whether created by statute or by executive order of the Governor.

"United States" means the United States and any place subject to the jurisdiction of the United States.

Section 10. United States products. Each purchasing agency making purchases of manufactured articles, materials, and supplies shall promote the purchase of and give preference to manufactured articles, materials, and supplies that have been manufactured in the United States. Manufactured articles, materials, and supplies manufactured in the United States shall be specified and purchased unless the purchasing agency determines that any of the following applies:

- (1) The manufactured articles, materials, and supplies are not manufactured in the United States in reasonably available quantities.
- (2) The price of the manufactured articles, materials, and supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable manufactured articles, materials, and supplies manufactured outside the United States.
- (3) The quality of the manufactured articles, materials, and supplies manufactured in the United States is substantially less than the quality of the comparably priced, available, and comparable manufactured articles, materials, and supplies manufactured outside the United States.
- (4) The purchase of the manufactured articles, materials, and supplies manufactured in the United States is not in the public interest.

In determining the price of manufactured articles, materials, and supplies for purposes of this Section, consideration shall be given to the life-cycle cost of those manufactured articles, materials, and supplies.

Section 15. Contracts; prequalification.

(a) Each contract awarded by a purchasing agency on or after the effective date of this Act through the use of the preference required under Section 10 shall contain the contractor's certification that manufactured articles, materials, and supplies provided pursuant to the contract or a subcontract shall be manufactured in the United States.

(b) Chief procurement officers, as provided in Section 20-45 of the Illinois Procurement Code, and the Capital Development Board, as provided in Section 30-20 of the Illinois Procurement Code, must promulgate rules for prequalification of suppliers and contractors under this Section.

Section 20. Federal and State law.

(a) Nothing in this Act is intended to contravene any existing treaty, law, agreement, or regulation of the United States. Contracts entered into in accordance with any treaty, law, agreement, or regulation of the United States shall not be in violation of this Act to the extent of that accordance. No preference shall be granted under this Act if that preference would contravene any treaty, law, agreement, or regulation of the United States.

(b) The preference required by this Act is in addition to any other preference afforded by State law.

Section 25. Penalties. If a contractor is awarded a contract through the use of a preference under this Act and knowingly supplies manufactured articles, materials, or supplies under that contract that are not manufactured in the United States, then (i) the contractor is barred from obtaining any State contract for a period of 5 years after the violation is discovered by the purchasing agency, (ii) the purchasing agency may void the contract, and (iii) the purchasing agency may recover damages in a civil action in an amount 3 times the value of the preference.

Section 30. Capital Development Board; exemption. The Capital Development Board (CDB) is exempt from the requirements of this Act with respect to a specific project if (i) CDB determines that the project is too complex for the 5 major construction building trades to identify the numerous individual articles, materials, and supplies required for the project or (ii) CDB determines that the articles, materials, and supplies required for the project are too numerous or complex to be able to efficiently assess the sites where manufactured.

Section 90. The Illinois Procurement Code is amended by changing Section 45-65 as follows:
(30 ILCS 500/45-65)

Sec. 45-65. Additional preferences. This Code is subject to applicable provisions of:

- (1) the Public Purchases in Other States Act;
- (2) the Illinois Mined Coal Act;
- (3) the Steel Products Procurement Act;
- (4) the Veterans Preference Act; ~~and~~
- (5) the Business Enterprise for Minorities, Females, and Persons with Disabilities Act; and -
- (6) The Procurement of Domestic Products Act.

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)".

The motion prevailed and the amendments were adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1, 2 and 3 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 3850. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

HOUSE BILL 4211. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Jerry Mitchell offered the following amendment and moved its adoption.

AMENDMENT NO. 2 . Amend House Bill 4211, AS AMENDED, by replacing subsection (d) of Sec. 12-10 of Section 5 with the following:

"(d) Subsection (a) of this Section does not apply to a person under 18 years of age who tattoos or offers to tattoo another person under 18 years of age away from the premises of any business at which tattooing is performed."; and

by replacing the last sentence of subsection (c) of Sec. 12-10.1 of Section 5 with the following:

"This Section does not apply to a person under 18 years of age who pierces the body or oral cavity of another person under 18 years of age away from the premises of any business at which body piercing or oral cavity piercing is performed."

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 4225. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

Floor Amendments numbered 1, 2 and 3 remained in the Committee on Rules.

Representative Jerry Mitchell offered the following amendment and moved its adoption.

AMENDMENT NO. 4 . Amend House Bill 4225 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 14-1.01 as follows:

(105 ILCS 5/14-1.01) (from Ch. 122, par. 14-1.01)

Sec. 14-1.01. ~~Definitions~~ ~~Meaning of terms~~. Unless the context indicates otherwise, the terms used in this Article have the meanings ascribed to them in Sections 14--1.02 to 14--1.10, each inclusive.

(Source: Laws 1965, p. 1948.)".

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

There being no further amendments, the foregoing Amendment No. 4 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 Jerry Mitchell, HOUSE BILL 4225 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:

98, Yeas; 20, Nays; 0, Answering Present.

(ROLL CALL 39)

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 4744. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

Representative McCarthy offered the following amendment and moved its adoption.

AMENDMENT NO. 1 . Amend House Bill 4744 by replacing everything after the enacting clause with the following:

"Section 5. The Higher Education Student Assistance Act is amended by changing Section 35 as follows:

(110 ILCS 947/35)

Sec. 35. Monetary award program.

(a) The Commission shall, each year, receive and consider applications for grant assistance under this Section. Subject to a separate appropriation for such purposes, an applicant is eligible for a grant under this Section ~~if when~~ the Commission finds that the applicant:

(1) is a resident of this State and a citizen or permanent resident of the United States; and

(2) in the absence of grant assistance, will be deterred by financial considerations from completing an educational program at the qualified institution of his or her choice.

(b) The Commission shall award renewals only upon the student's application and upon the Commission's finding that the applicant:

(1) has remained a student in good standing;

- (2) remains a resident of this State; and
- (3) is in a financial situation that continues to warrant assistance.

(c) All grants shall be applicable only to tuition and necessary fee costs for 2 semesters or 3 quarters in an academic year. Requests for summer term assistance will be made separately and shall be considered on an individual basis according to Commission policy. Each student who is awarded a grant under this Section and is enrolled in summer school classes shall be eligible for a summer school grant. The summer school grant amount shall not exceed the lesser of 50 percent of the maximum annual grant amount authorized by this Section or the actual cost of tuition and fees at the institution at which the student is enrolled at least part-time. For the regular academic year, the Commission shall determine the grant amount for each full-time and part-time student, which shall be the smallest of the following amounts:

- (1) \$4,968 for 2 semesters or 3 quarters of full-time undergraduate enrollment or \$2,484 for 2 semesters or 3 quarters of part-time undergraduate enrollment, or such lesser amount as the Commission finds to be available; or
- (2) the amount which equals the 2 semesters or 3 quarters tuition and other necessary fees required generally by the institution of all full-time undergraduate students, or in the case of part-time students an amount of tuition and fees for 2 semesters or 3 quarters which shall not exceed one-half the amount of tuition and necessary fees generally charged to full-time undergraduate students by the institution; or
- (3) such amount as the Commission finds to be appropriate in view of the applicant's financial resources.

"Tuition and other necessary fees" as used in this Section include the customary charge for instruction and use of facilities in general, and the additional fixed fees charged for specified purposes, which are required generally of nongrant recipients for each academic period for which the grant applicant actually enrolls, but do not include fees payable only once or breakage fees and other contingent deposits which are refundable in whole or in part. The Commission may prescribe, by rule not inconsistent with this Section, detailed provisions concerning the computation of tuition and other necessary fees.

(d) No applicant, including those presently receiving scholarship assistance under this Act, is eligible for monetary award program consideration under this Act after receiving a baccalaureate degree or the equivalent of 10 semesters or 15 quarters of award payments. The Commission shall determine when award payments for part-time enrollment or interim or summer terms shall be counted as a partial semester or quarter of payment.

(e) The Commission, in determining the number of grants to be offered, shall take into consideration past experience with the rate of grant funds unclaimed by recipients. The Commission shall notify applicants that grant assistance is contingent upon the availability of appropriated funds.

(f) The Commission may request appropriations for deposit into the Monetary Award Program Reserve Fund. Monies deposited into the Monetary Award Program Reserve Fund may be expended exclusively for one purpose: to make Monetary Award Program grants to eligible students. Amounts on deposit in the Monetary Award Program Reserve Fund may not exceed 2% of the current annual State appropriation for the Monetary Award Program.

The purpose of the Monetary Award Program Reserve Fund is to enable the Commission each year to assure as many students as possible of their eligibility for a Monetary Award Program grant and to do so before commencement of the academic year. Moneys deposited in this Reserve Fund are intended to enhance the Commission's management of the Monetary Award Program, minimizing the necessity, magnitude, and frequency of adjusting award amounts and ensuring that the annual Monetary Award Program appropriation can be fully utilized.

(g) The Commission shall determine the eligibility of and make grants to applicants enrolled at qualified for-profit institutions in accordance with the criteria set forth in this Section. The eligibility of applicants enrolled at such for-profit institutions shall be limited as follows:

- (1) Beginning with the academic year 1997, only to eligible first-time freshmen and first-time transfer students who have attained an associate degree.
- (2) Beginning with the academic year 1998, only to eligible freshmen students, transfer students who have attained an associate degree, and students who receive a grant under paragraph (1) for the academic year 1997 and whose grants are being renewed for the academic year 1998.
- (3) Beginning with the academic year 1999, to all eligible students.

(Source: P.A. 91-249, eff. 7-22-99; 91-250, eff. 7-22-99; 91-357, eff. 7-29-99; 91-747, eff. 7-1-00; 92-45, eff. 7-1-01.)"

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 McCarthy, HOUSE BILL 4744 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: 86, Yeas; 31, Nays; 1, Answering Present.

(ROLL CALL 40)

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 4877. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

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

AMENDMENT NO. 1 . Amend House Bill 4877 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Section 15-113.4 as follows:

(40 ILCS 5/15-113.4) (from Ch. 108 1/2, par. 15-113.4)

Sec. 15-113.4. ~~Service for unused sick leave~~ ~~Service for unused sick leave~~. "Service for unused sick leave": A participant who is an employee under this System or one of the other systems subject to Article 20 of this Code within 60 days immediately preceding the date on which his or her retirement annuity begins, is entitled to credit for service for that portion of unused sick leave earned in the course of employment with an employer and credited on the date of termination of employment by an employer for which payment is not received, in accordance with the following schedule: 30 through 90 full calendar days and 20 through 59 full work days of unused sick leave, 1/4 of a year of service; 91 through 180 full calendar days and 60 through 119 full work days, 1/2 of a year of service; 181 through 270 full calendar days and 120 through 179 full work days, 3/4 of a year of service; 271 through 360 full calendar days and 180 through 240 full work days, one year of service. Only uncompensated, unused sick leave earned in accordance with an employer's sick leave accrual policy generally applicable to employees or a class of employees shall be taken into account in calculating service credit under this Section. Any uncompensated, unused sick leave granted by an employer to facilitate the hiring, retirement, termination, or other special circumstances of an employee shall not be taken into account in calculating service credit under this Section. If a participant transfers from one employer to another, the unused sick leave credited by the previous employer shall be considered in determining service to be credited under this Section, even if the participant terminated service prior to the effective date of P.A. 86-272 (August 23, 1989); if necessary, the retirement annuity shall be recalculated to reflect such sick leave credit. Each employer shall certify to the board the number of days of unused sick leave accrued to the participant's credit on the date that the participant's status as an employee terminated. This period of unused sick leave shall not be considered in determining the date the retirement annuity begins.

(Source: P.A. 90-65, eff. 7-7-97; 90-511, eff. 8-22-97.)".

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 McCarthy, HOUSE BILL 4877 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: 74, Yeas; 42, Nays; 1, Answering Present.

(ROLL CALL 41)

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 4975. Having been read by title a second time on March 30, 2004, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

HOUSE BILL 5023. 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.

Representative Sacia offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 5023 on page 1, line 9, immediately after "program," by inserting "As used in this Section, "downtown" means an area of a municipality that is now or was once a central business district of the municipality."; and on page 1, line 10, by replacing "shall" with "may"; and on page 1, line 13, by replacing "business owners" with "municipalities"; and on page 2, immediately below line 24, by inserting the following:

"(f) The Department may adopt any rules necessary to implement and operate this program."

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 4195. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

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

Representative Winters offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 4195 by replacing everything after the enacting clause with the following:

"Section 5. The Motor Fuel Tax Law is amended by changing Section 8 as follows:

(35 ILCS 505/8) (from Ch. 120, par. 424)

Sec. 8. Except as provided in Section 8a, subdivision (h)(1) of Section 12a, Section 13a.6, and items 13,

14, 15, and 16 of Section 15, all money received by the Department under this Act, including payments made to the Department by member jurisdictions participating in the International Fuel Tax Agreement, shall be deposited in a special fund in the State treasury, to be known as the "Motor Fuel Tax Fund", and shall be used as follows:

(a) 2 1/2 cents per gallon of the tax collected on special fuel under paragraph (b) of Section 2 and Section 13a of this Act shall be transferred to the State Construction Account Fund in the State Treasury;

(b) \$420,000 shall be transferred each month to the State Boating Act Fund to be used by the Department of Natural Resources for the purposes specified in Article X of the Boat Registration and Safety Act;

(c) \$2,250,000 shall be transferred each month to the Grade Crossing Protection Fund to be used as follows: not less than \$6,000,000 each fiscal year shall be used for the construction or reconstruction of rail highway grade separation structures; \$2,250,000 in fiscal year 2004 and each fiscal year thereafter shall be transferred to the Transportation Regulatory Fund and shall be accounted for as part of the rail carrier portion of such funds and shall be used to pay the cost of administration of the Illinois Commerce Commission's railroad safety program in connection with its duties under subsection (3) of Section 18c-7401 of the Illinois Vehicle Code, with the remainder to be used by the Department of Transportation upon order of the Illinois Commerce Commission, to pay that part of the cost apportioned by such Commission to the State to cover the interest of the public in the use of highways, roads, streets, or pedestrian walkways in the county highway system, township and district road system, or municipal street system as defined in the Illinois Highway Code, as the same may from time to time be amended, for separation of grades, for installation, construction or reconstruction of crossing protection or reconstruction, alteration, relocation including construction or improvement of any existing highway necessary for access to property or improvement of any grade crossing including the necessary highway approaches thereto of any railroad across the highway or public road, or for the installation, construction, reconstruction, or maintenance of a pedestrian walkway over or under a railroad right-of-way, as provided for in and in accordance with Section 18c-7401 of the Illinois Vehicle Code. The Commission shall not order more than \$2,000,000 per year in Grade Crossing Protection Fund moneys for pedestrian walkways. In entering orders for projects for which payments from the Grade Crossing Protection Fund will be made, the Commission shall account for expenditures authorized by the orders on a cash rather than an accrual basis. For purposes of this requirement an "accrual basis" assumes that the total cost of the project is expended in the fiscal year in which the order is entered, while a "cash basis" allocates the cost of the project among fiscal years as expenditures are actually made. To meet the requirements of this subsection, the Illinois Commerce Commission shall develop annual and 5-year project plans of rail crossing capital improvements that will be paid for with moneys from the Grade Crossing Protection Fund. The annual project plan shall identify projects for the succeeding fiscal year and the 5-year project plan shall identify projects for the 5 directly succeeding fiscal years. The Commission shall submit the annual and 5-year project plans for this Fund to the Governor, the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives on the first Wednesday in April of each year;

(d) of the amount remaining after allocations provided for in subsections (a), (b) and (c), a sufficient amount shall be reserved to pay all of the following:

(1) the costs of the Department of Revenue in administering this Act;

(2) the costs of the Department of Transportation in performing its duties imposed by the Illinois Highway Code for supervising the use of motor fuel tax funds apportioned to municipalities, counties and road districts;

(3) refunds provided for in Section 13 of this Act and under the terms of the International Fuel Tax Agreement referenced in Section 14a;

(4) from October 1, 1985 until June 30, 1994, the administration of the Vehicle Emissions Inspection Law, which amount shall be certified monthly by the Environmental Protection Agency to the State Comptroller and shall promptly be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund to the Vehicle Inspection Fund, and for the period July 1, 1994 through June 30, 2000, one-twelfth of \$25,000,000 each month, for the period July 1, 2000 through June 30, 2003, one-twelfth of \$30,000,000 each month, and \$15,000,000 on July 1, 2003, and \$15,000,000 on January 1 and \$15,000,000 on July 1 of each calendar year for the period January 1, 2004 through June 30, 2006, for the administration of the Vehicle Emissions Inspection Law of 1995, to be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund into the Vehicle Inspection Fund;

(5) amounts ordered paid by the Court of Claims; and

(6) payment of motor fuel use taxes due to member jurisdictions under the terms of the

International Fuel Tax Agreement. The Department shall certify these amounts to the Comptroller by the 15th day of each month; the Comptroller shall cause orders to be drawn for such amounts, and the Treasurer shall administer those amounts on or before the last day of each month;

(e) after allocations for the purposes set forth in subsections (a), (b), (c) and (d), the remaining amount shall be apportioned as follows:

(1) Until January 1, 2000, 58.4%, and beginning January 1, 2000, 45.6% shall be deposited as follows:

(A) 37% into the State Construction Account Fund, and

(B) 63% into the Road Fund, \$1,250,000 of which shall be reserved each month for the Department of Transportation to be used in accordance with the provisions of Sections 6-901 through 6-906 of the Illinois Highway Code;

(2) Until January 1, 2000, 41.6%, and beginning January 1, 2000, 54.4% shall be transferred to the Department of Transportation to be distributed as follows:

(A) 49.10% to the municipalities of the State,

(B) 16.74% to the counties of the State having 1,000,000 or more inhabitants,

(C) 18.27% to the counties of the State having less than 1,000,000 inhabitants,

(D) 15.89% to the road districts of the State.

As soon as may be after the first day of each month the Department of Transportation shall allot to each municipality its share of the amount apportioned to the several municipalities which shall be in proportion to the population of such municipalities as determined by the last preceding municipal census if conducted by the Federal Government or Federal census. If territory is annexed to any municipality subsequent to the time of the last preceding census the corporate authorities of such municipality may cause a census to be taken of such annexed territory and the population so ascertained for such territory shall be added to the population of the municipality as determined by the last preceding census for the purpose of determining the allotment for that municipality. If the population of any municipality was not determined by the last Federal census preceding any apportionment, the apportionment to such municipality shall be in accordance with any census taken by such municipality. Any municipal census used in accordance with this Section shall be certified to the Department of Transportation by the clerk of such municipality, and the accuracy thereof shall be subject to approval of the Department which may make such corrections as it ascertains to be necessary.

As soon as may be after the first day of each month the Department of Transportation shall allot to each county its share of the amount apportioned to the several counties of the State as herein provided. Each allotment to the several counties having less than 1,000,000 inhabitants shall be in proportion to the amount of motor vehicle license fees received from the residents of such counties, respectively, during the preceding calendar year. The Secretary of State shall, on or before April 15 of each year, transmit to the Department of Transportation a full and complete report showing the amount of motor vehicle license fees received from the residents of each county, respectively, during the preceding calendar year. The Department of Transportation shall, each month, use for allotment purposes the last such report received from the Secretary of State.

As soon as may be after the first day of each month, the Department of Transportation shall allot to the several counties their share of the amount apportioned for the use of road districts. The allotment shall be apportioned among the several counties in the State in the proportion which the total mileage of township or district roads in the respective counties bears to the total mileage of all township and district roads in the State. Funds allotted to the respective counties for the use of road districts therein shall be allocated to the several road districts in the county in the proportion which the total mileage of such township or district roads in the respective road districts bears to the total mileage of all such township or district roads in the county.

After July 1 of any year prior to 2004, no allocation shall be made for any road district unless it levied a tax for road and bridge purposes in an amount which will require the extension of such tax against the taxable property in any such road district at a rate of not less than either .08% of the value thereof, based upon the assessment for the year immediately prior to the year in which such tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less. Beginning July 1, 2004 and each July 1 thereafter, an allocation shall be made for any road district if it levied a tax for road and bridge purposes. If the amount of the tax levy, however, requires the extension of the tax against the taxable property in the road district at a rate that is less than .08% of the value thereof, based upon the assessment for the year immediately prior to the year in which the tax was levied and as equalized by the Department

of Revenue, then the amount of the allocation for the road district shall be a percentage of the maximum allocation equal to the percentage obtained by dividing the rate extended by the district by 0.08%. In DuPage County, however, no allocation shall be made for any road district unless it levied a tax for road and bridge purposes in an amount which will require the extension of such tax against the taxable property in any such road district (i) at a rate of not less than either .08% of the value thereof, based upon the assessment for the year immediately prior to the year in which such tax was levied and as equalized by the Department of Revenue, or (ii) an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less.

Prior to 2004, if any road district has levied a special tax for road purposes pursuant to Sections 6-601, 6-602 and 6-603 of the Illinois Highway Code, and such tax was levied in an amount which would require extension at a rate of not less than .08% of the value of the taxable property thereof, as equalized or assessed by the Department of Revenue, or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less, such levy shall, however, be deemed a proper compliance with this Section and shall qualify such road district for an allotment under this Section. Beginning in 2004 and thereafter, if any road district has levied a special tax for road purposes under Sections 6-601, 6-602, and 6-603 of the Illinois Highway Code, and the tax was levied in an amount that would require extension at a rate of not less than .08% of the value of the taxable property thereof, as equalized or assessed by the Department of Revenue or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less, that levy shall be deemed a proper compliance with this Section and shall qualify such road district for a full, rather than proportionate, allotment under this Section. Except in DuPage County, if the levy for the special tax is less than 0.08% of the value of the taxable property and if the levy for the special tax is more than any other levy for road and bridge purposes, then the levy for the special tax qualifies the road district for a proportionate, rather than full, allotment under this Section. If the levy for the special tax is equal to or less than any other levy for road and bridge purposes, then any allotment under this Section shall be determined by the other levy for road and bridge purposes.

Prior to 2004, if a township has transferred to the road and bridge fund money which, when added to the amount of any tax levy of the road district would be the equivalent of a tax levy requiring extension at a rate of at least .08%, or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less, such transfer, together with any such tax levy, shall be deemed a proper compliance with this Section and shall qualify the road district for an allotment under this Section. Beginning in 2004 and thereafter, if a township has transferred to the road and bridge fund money which, when added to the amount of any tax levy of the road district would be the equivalent of a tax levy requiring extension at a rate of at least .08% or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less, then the transfer, together with any such tax levy, shall be deemed a proper compliance with this Section and shall qualify the road district for a full, rather than proportionate, allotment under this Section.

In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law, road districts may retain their entitlement to a motor fuel tax allotment or, beginning in 2004, their entitlement to a full allotment if, at the time the property tax extension limitation was imposed, the road district was levying a road and bridge tax at a rate sufficient to entitle it to a motor fuel tax allotment and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. Any road district may in all circumstances retain its entitlement to a motor fuel tax allotment or, beginning in 2004, its entitlement to a full allotment if it levied a road and bridge tax in an amount that will require the extension of the tax against the taxable property in the road district at a rate of not less than 0.08% of the assessed value of the property, based upon the assessment for the year immediately preceding the year in which the tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than \$12,000 per mile of road under the jurisdiction of the road district, whichever is less.

As used in this Section the term "road district" means any road district, including a county unit road district, provided for by the Illinois Highway Code; and the term "township or district road" means any road in the township and district road system as defined in the Illinois Highway Code. For the purposes of this Section, "road district" also includes park districts, forest preserve districts and conservation districts organized under Illinois law and "township or district road" also includes such roads as are maintained by park districts, forest preserve districts and conservation districts. The Department of Transportation shall determine the mileage of all township and district roads for the purposes of making allotments and allocations of motor fuel tax funds for use in road districts.

Payment of motor fuel tax moneys to municipalities and counties shall be made as soon as possible after the allotment is made. The treasurer of the municipality or county may invest these funds until their use is required and the interest earned by these investments shall be limited to the same uses as the principal funds.

(Source: P.A. 92-16, eff. 6-28-01; 92-30, eff. 7-1-01; 93-32, eff. 6-20-03.)

Section 99. Effective date. This Act takes effect on July 1, 2004."

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 4837. 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.

The following amendment was offered in the Committee on Aging, adopted and printed.

AMENDMENT NO. 1 . Amend House Bill 4837 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Act on the Aging is amended by adding Section 4.02c as follows:

(20 ILCS 105/4.02c new)

Sec. 4.02c. Comprehensive Care in Residential Settings Demonstration Project.

(a) The Department may establish and fund a demonstration program of bundled services designed to support the specialized needs of clients currently residing in projects that were formerly designated as Community Based Residential Facilities and licensed under the Assisted Living and Shared Housing Act.

(b) The demonstration program must include, at a minimum:

(1) 3 meals per day;

(2) routine housekeeping services;

(3) 24-hour-a-day security;

(4) an emergency response system;

(5) personal laundry and linen service;

(6) assistance with activities of daily living;

(7) medication management;

(8) money management; and

(9) intermittent health services, including medication administration, dressing changes, catheter care, and other nursing-related services provided by personnel licensed pursuant to the Home Health Agency Licensing Act and by the Illinois Department of Professional Regulation.

Optional services, such as transportation and social activities, may be provided.

(c) Reimbursement for the program shall be based on the client's level of need and functional impairment, as determined by the Department. Clients must meet all eligibility requirements established by rule. The Department may establish a capitated reimbursement mechanism based on the client's level of need and functional impairment. Reimbursement for program must be made to the Department-contracted provider delivering the services.

(d) The Department shall adopt rules and provide oversight for the project, with assistance and advice provided by the Assisted Living and Shared Housing Advisory Board and Assisted Living and Shared Housing Quality of Life Committee.

The project may be funded through the Department appropriations that may include Medicaid waiver funds.

(20 ILCS 105/4.02b rep.) (from Ch. 23, par. 6104.02b)

Section 10. The Illinois Act on the Aging is amended by repealing Section 4.02b."

Representative McGuire offered the following amendment and moved its adoption:

AMENDMENT NO. 2 . Amend House Bill 4837, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, as follows:

on page 1, by replacing lines 21 through 24 with the following:

"(7) medication management; and
(8) money management."; and
on page 2, by deleting lines 1 through 3.

Representative McGuire offered and withdrew Amendment No. 3.

Representative McGuire offered the following amendment and moved its adoption:

AMENDMENT NO. 4. Amend House Bill 4837, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, as follows:
on page 2, immediately below line 19, by inserting the following:

"(e) Before January 1, 2008, the Department, in consultation with the Assisted Living and Shared Housing Advisory Board, must report to the General Assembly on the results of the demonstration project. The report must include, without limitation, any recommendations for changes or improvements, including changes or improvements in the administration of the program and an evaluation.

Section 10. The Assisted Living and Shared Housing Act is amended by changing Sections 90 and 140 as follows:

(210 ILCS 9/90)

Sec. 90. Contents of service delivery contract. A contract between an establishment and a resident must be entitled "assisted living establishment contract" or "shared housing establishment contract" as applicable, shall be printed in no less than 12 point type, and shall include at least the following elements in the body or through supporting documents or attachments:

- (1) the name, street address, and mailing address of the establishment;
- (2) the name and mailing address of the owner or owners of the establishment and, if the owner or owners are not natural persons, the type of business entity of the owner or owners;
- (3) the name and mailing address of the managing agent of the establishment, whether hired under a management agreement or lease agreement, if the managing agent is different from the owner or owners;
- (4) the name and address of at least one natural person who is authorized to accept service on behalf of the owners and managing agent;
- (5) a statement describing the license status of the establishment and the license status of all providers of health-related or supportive services to a resident under arrangement with the establishment;
- (6) the duration of the contract;
- (7) the base rate to be paid by the resident and a description of the services to be provided as part of this rate;
- (8) a description of any additional services to be provided for an additional fee by the establishment directly or by a third party provider under arrangement with the establishment;
- (9) the fee schedules outlining the cost of any additional services;
- (10) a description of the process through which the contract may be modified, amended, or terminated;
- (11) a description of the establishment's complaint resolution process available to residents and notice of the availability of the Department on Aging's Senior Helpline for complaints;
- (12) the name of the resident's designated representative, if any;
- (13) the resident's obligations in order to maintain residency and receive services including compliance with all assessments required under Section 15;
- (14) the billing and payment procedures and requirements;
- (15) a statement affirming the resident's freedom to receive services from service providers with whom the establishment does not have a contractual arrangement, which may also disclaim liability on the part of the establishment for those services;
- (16) a statement that medical assistance under Article V or Article VI of the Illinois Public Aid Code is not available for payment for services provided in an establishment, excluding contracts executed with residents residing in licensed establishments participating in the Department on Aging's Comprehensive Care in Residential Settings Demonstration Project;
- (17) a statement detailing the admission, risk management, and residency termination criteria and procedures;
- (18) a statement listing the rights specified in Section 95 and acknowledging that, by

contracting with the assisted living or shared housing establishment, the resident does not forfeit those rights; and

(19) a statement detailing the Department's annual on-site review process including what documents contained in a resident's personal file shall be reviewed by the on-site reviewer as defined by rule.

(Source: P.A. 91-656, eff. 1-1-01.)

(210 ILCS 9/140)

Sec. 140. State and private funding. Nothing in this Act shall:

(1) require or authorize the State agency responsible for the administration of the medical assistance program established under Article V and Article VI of the Illinois Public Aid Code to approve, supply, or cover services provided in an assisted living or shared housing establishment, with the exception of licensed facilities that participate in the Department on Aging's Comprehensive Care in Residential Settings Demonstration Project, which may be covered under provisions of the Illinois Public Aid Code;

(2) require an agency or a managed care organization to approve, supply, or cover services provided in an assisted living or shared housing establishment; or

(3) require any other third party payer to approve, supply or cover medically necessary home care services provided in an assisted living establishment.

(Source: P.A. 91-656, eff. 1-1-01.); and

on page 2, line 21, by changing "10." to "90."

The motion prevailed and the amendments were adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1, 2 and 4 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 1269. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

HOUSE BILL 5345. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

On the Motion of Representative Scully, Amendment No. 1 was ordered to lie on the table.

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

HOUSE BILL 4481. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

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

Representative Turner offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend House Bill 4481 by replacing everything after the enacting clause with the following:

"Section 5. The Lead Poisoning Prevention Act is amended by changing Section 11.05 as follows:

(410 ILCS 45/11.05)

Sec. 11.05. Advisory Council.

(a) The General Assembly finds the following:

(1) Lead-based paint poisoning is a potentially devastating but preventable disease and is the number one environmental threat to children's health in the United States.

(2) The number of lead-poisoned children in Illinois is among the highest in the nation, especially in older, affordable properties.

(3) Lead poisoning causes irreversible damage to the development of a child's nervous

system. Even at low and moderate levels, lead poisoning causes learning disabilities, speech problems, shortened attention span, hyperactivity, and behavioral problems. Recent research links high levels of lead exposure to lower IQ scores and to juvenile delinquency.

(4) Older housing is the number one risk factor for childhood lead poisoning.

Properties built before 1950 are statistically much more likely to contain lead-based paint hazards than buildings constructed more recently.

(5) Illinois ranks 10th out of the 50 states in the age of its housing stock. More than 50% of the housing units in Chicago and in Rock Island, Peoria, Macon, Madison, and Kankakee counties were built before 1960 and more than 43% of the housing units in St. Clair, Winnebago, Sangamon, Kane, and Cook counties were built before 1950.

(6) There are nearly 1.4 million households with lead-based paint hazards in Illinois.

(7) Most children are lead-poisoned in their own homes through exposure to lead dust from deteriorated lead-paint surfaces, like windows, and when lead paint deteriorates or is disturbed through home renovation and repainting.

(8) The control of lead hazards significantly reduces lead poisoning rates. Other communities, including New York City and Milwaukee, have successfully reduced lead poisoning rates by removing lead-based paint hazards on windows.

(9) Windows are considered a higher lead exposure risk more often than other components in a housing unit. Windows are a major contributor of lead dust in the home, due to both weathering conditions and friction effects on paint.

(10) There is an insufficient pool of licensed lead abatement workers and contractors to address the problem in some areas of the State.

(11) Training, insurance, and licensing costs for lead removal workers are prohibitively high.

(12) Through grants from the United States Department of Housing and Urban Development, some communities in Illinois have begun to reduce lead poisoning of children. While this is an ongoing effort, it addresses only a small number of the low-income children statewide in communities with high levels of lead paint in the housing stock.

(b) For purposes of this Section:

"Advisory Council" means the Lead-Safe Housing Advisory Council created under subsection (c).

"Lead-Safe Housing Maintenance Standards" or "Standards" means standards developed by the Advisory Council pursuant to this Section.

"Low-income" means a household at or below 80% of the median income level for a given county as determined annually by the United States Department of Housing and Urban Development.

"Primary prevention" means removing lead hazards before a child is poisoned rather than relying on identification of a lead poisoned child as the triggering event.

(c) The Lead-Safe Housing Advisory Council is created to advise the Department on lead poisoning prevention activities. The Advisory Council shall be chaired by the Director or his or her designee and the chair of the Illinois Lead Safe Housing Task Force and provided with administrative support by the Department. The Advisory Council shall be comprised of (i) the directors, or their designees, of the Illinois Housing Development Authority and the Environmental Protection Agency; and (ii) the directors, or their designees, of public health departments of counties identified by the Department that contain communities with a concentration of high-risk, lead-contaminated properties.

The Advisory Council shall also include the following members appointed by the Governor:

(1) One representative from the Illinois Association of Realtors.

(2) One representative from the insurance industry.

(3) Two pediatricians or other physicians with knowledge of lead-paint poisoning.

(4) Two representatives from the private-sector, lead-based-paint-abatement industry who are licensed in Illinois as an abatement contractor, worker, or risk assessor.

(5) Two representatives from community based organizations in communities with a concentration of high risk lead contaminated properties. High-risk communities shall be identified based upon the prevalence of low-income families whose children are lead poisoned and the age of the housing stock.

(6) At least 3 lead-safe housing advocates, including (i) the parent of a lead-poisoned child, (ii) a representative from a child advocacy organization, and (iii) a representative from a tenant housing organization.

(7) One representative from the Illinois paint and coatings industry.

Within 9 months after its formation, the Advisory Council shall submit a written report to the Governor and the General Assembly on:

- (1) developing a primary prevention program for addressing lead poisoning;
- (2) developing a sufficient pool of lead abatement workers and contractors;
- (3) targeting blood lead screening to children residing in high-risk buildings and neighborhoods;
- (4) ensuring lead-safe work practices in all remodeling, rehabilitation, and weatherization work;
- (5) funding mechanisms to assist residential property owners in costs of lead abatement and mitigation;
- (6) providing insurance subsidies to licensed lead abatement contractors who target their work to high-risk communities; and
- (7) developing any necessary legislation or rulemaking to improve the effectiveness of State and local programs in lead abatement and other prevention and control activities.

The Advisory Council shall develop handbooks and training for property owners and tenants explaining the Standards and State and federal requirements for lead-safe housing.

The Advisory Council shall meet at least quarterly. Its members shall receive no compensation for their services, but their reasonable travel expenses actually incurred shall be reimbursed by the Department.

(Source: P.A. 93-348, eff. 1-1-04.)"

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

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

HOUSE BILL 4929. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Turner offered the following amendment and moved its adoption.

AMENDMENT NO. 1 . Amend House Bill 4929 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Sections 8-11-6a and 11-74.3-3 and by adding Sections 11-74.3-5 and 11-74.3-6 as follows:

(65 ILCS 5/8-11-6a) (from Ch. 24, par. 8-11-6a)

Sec. 8-11-6a. Home rule municipalities; preemption of certain taxes. Except as provided in Sections 8-11-1, 8-11-5, 8-11-6, ~~and 8-11-6b~~ and 11-74.3-6 on and after September 1, 1990, no home rule municipality has the authority to impose, pursuant to its home rule authority, a retailer's occupation tax, service occupation tax, use tax, sales tax or other tax on the use, sale or purchase of tangible personal property based on the gross receipts from such sales or the selling or purchase price of said tangible personal property. Notwithstanding the foregoing, this Section does not preempt any home rule imposed tax such as the following: (1) a tax on alcoholic beverages, whether based on gross receipts, volume sold or any other measurement; (2) a tax based on the number of units of cigarettes or tobacco products (provided, however, that a home rule municipality that has not imposed a tax based on the number of units of cigarettes or tobacco products before July 1, 1993, shall not impose such a tax after that date); (3) a tax, however measured, based on the use of a hotel or motel room or similar facility; (4) a tax, however measured, on the sale or transfer of real property; (5) a tax, however measured, on lease receipts; (6) a tax on food prepared for immediate consumption and on alcoholic beverages sold by a business which provides for on premise consumption of said food or alcoholic beverages; or (7) other taxes not based on the selling or purchase price or gross receipts from the use, sale or purchase of tangible personal property. This Section is not intended to affect any existing tax on food and beverages prepared for immediate consumption on the premises where the sale occurs, or any existing tax on alcoholic beverages, or any existing tax imposed on the charge for renting a hotel or motel room, which was in effect January 15, 1988, or any extension of the effective date of such an existing tax by ordinance of the municipality imposing the tax, which extension is hereby authorized, in any non-home rule municipality in which the imposition of such a tax has been upheld by judicial determination, nor is this Section intended to preempt the authority granted by Public Act 85-1006. This Section is a limitation, pursuant to subsection (g) of Section 6 of

Article VII of the Illinois Constitution, on the power of home rule units to tax.
(Source: P.A. 91-51, eff. 6-30-99.)

(65 ILCS 5/11-74.3-3) (from Ch. 24, par. 11-74.3-3)

Sec. 11-74.3-3. In carrying out a business district development or redevelopment plan, the corporate authorities of each municipality shall have the following powers:

- (1) To approve all development and redevelopment proposals for a business district.
- (2) To exercise the use of eminent domain for the acquisition of real and personal property for the purpose of a development or redevelopment project.
- (3) To acquire, manage, convey or otherwise dispose of real and personal property according to the provisions of a development or redevelopment plan.
- (4) To apply for and accept capital grants and loans from the United States and the State of Illinois, or any instrumentality of the United States or the State, for business district development and redevelopment.
- (5) To borrow funds as it may be deemed necessary for the purpose of business district development and redevelopment, and in this connection issue such obligation or revenue bonds as it shall be deemed necessary, subject to applicable statutory limitations.
- (6) To enter into contracts with any public or private agency or person.
- (7) To sell, lease, trade or improve real property in connection with business district development and redevelopment plans.
- (8) To employ all such persons as may be necessary for the planning, administration and implementation of business district plans.
- (9) To expend such public funds as may be necessary for the planning, execution and implementation of the business district plans.
- (10) To establish by ordinance or resolution procedures for the planning, execution and implementation of business district plans.
- (11) To create a Business District Development and Redevelopment Commission to act as agent for the municipality for the purposes of business district development and redevelopment.
- (12) To impose a retailers' occupation tax and a service occupation tax in the business district for the planning, execution, and implementation of business district plans and to pay for business district project costs as set forth in the business district plan approved by the municipality.
- (13) To impose a hotel operators' occupation tax in the business district for the planning, execution, and implementation of business district plans and to pay for the business district project costs as set forth in the business district plan approved by the municipality.
- (14) To issue obligations in one or more series bearing interest at rates determined by the corporate authorities of the municipality by ordinance and secured by the business district tax allocation fund set forth in Section 11-74.3-6 for the business district to provide for the payment of business district project costs.

This amendatory Act of the 91st General Assembly is declarative of existing law and is not a new enactment.

(Source: P.A. 91-418, eff. 1-1-00.)

(65 ILCS 5/11-74.3-5 new)

Sec. 11-74.3-5. Business district; additional procedures for designation of district and approval of development or redevelopment plan. If the corporate authorities of a municipality desire to impose a tax by ordinance pursuant to subsection (12) or (13) of Section 11-74.3-3, the following additional procedures shall apply to the designation of the business district and the approval of the business district development or redevelopment plan:

- (1) The corporate authorities of the municipality shall hold public hearings at least one week prior to designation of the business district and approval of the business district development or redevelopment plan.
- (2) The area proposed to be designated as a business district must be contiguous and must include only parcels of real property directly and substantially benefited by the proposed business district development or redevelopment plan.
- (3) The corporate authorities of the municipality shall make a formal finding of the following: (i) the business district is a blighted area that, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire or other causes, or any combination of those factors, retards the provision of housing accommodations or constitutes an

economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use; and (ii) the business district on the whole has not been subject to growth and development through investment by private enterprises or would not reasonably be anticipated to be developed or redeveloped without the adoption of the business district development or redevelopment plan.

(4) The proposed business district development or redevelopment plan shall set forth in writing: (i) a specific description of the proposed boundaries of the district, including a map illustrating the boundaries; (ii) a general description of each project proposed to be undertaken within the business district, including a description of the approximate location of each project; (iii) the name of the proposed business district; (iv) the estimated business district project costs; (v) the anticipated source of funds to pay business district project costs; (vi) the anticipated type and terms of any obligations to be issued; and (vii) the rate of any tax to be imposed pursuant to subsection (12) or (13) of Section 11-74.3-3 and the period of time for which the tax shall be imposed.

(65 ILCS 5/11-74.3-6 new)

Sec. 11-74.3-6. Business district revenue and obligations.

(a) If the corporate authorities of a municipality have approved a business district development or redevelopment plan and have elected to impose a tax by ordinance pursuant to subsections (b), (c), or (d) of this Section, each year after the date of the approval of the ordinance and until all business district project costs and all municipal obligations financing the business district project costs, if any, have been paid in accordance with the business district development or redevelopment plan, but in no event longer than 23 years after the date of adoption of the ordinance approving the business district development or redevelopment plan, all amounts generated by the retailers' occupation tax and service occupation tax shall be collected and the tax shall be enforced by the Department of Revenue in the same manner as all retailers' occupation taxes and service occupation taxes imposed in the municipality imposing the tax and all amounts generated by the hotel operators' occupation tax shall be collected and the tax shall be enforced by the municipality in the same manner as all hotel operators' occupation taxes imposed in the municipality imposing the tax. The corporate authorities of the municipality shall deposit the proceeds of the taxes imposed under subsections (b), (c), and (d) into a special fund held by the corporate authorities of the municipality called the Business District Tax Allocation Fund for the purpose of paying business district project costs and obligations incurred in the payment of those costs.

(b) The corporate authorities of a municipality that has established a business district under this Division 74.3 may, by ordinance or resolution, impose a Business District Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this State's government, at retail in the business district at a rate not to exceed 1% of the gross receipts from the sales made in the course of such business, to be imposed only in 0.25% increments. The tax may not be imposed on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.

The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The certificate of registration that is issued by the Department to a retailer under the Retailers' Occupation Tax Act shall permit the retailer to engage in a business that is taxable under any ordinance or resolution enacted pursuant to this subsection without registering separately with the Department under such ordinance or resolution or under this subsection. The Department of Revenue shall have full power to administer and enforce this subsection; to collect all taxes and penalties due under this subsection in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection. In the administration of, and compliance with, this subsection, the Department and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms and employ the same modes of procedure, as are prescribed in Sections 1, 1a through 1o, 2 through 2-65 (in respect to all provisions therein other than the State rate of tax), 2c through 2h, 3 (except as to the disposition of taxes and penalties collected), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the Retailers' Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under this subsection may reimburse themselves for their seller's tax liability under this subsection by separately stating the tax as an additional charge, which charge may be

stated in combination, in a single amount, with State taxes that sellers are required to collect under the Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified and to the person named in the notification from the Department. The refund shall be paid by the State Treasurer out of the business district retailers' occupation tax fund.

The Department shall immediately pay over to the State Treasurer, ex officio, as trustee, all taxes, penalties, and interest collected under this subsection for deposit into the business district retailers' occupation tax fund. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities from the business district retailers' occupation tax fund, the municipalities to be those from which retailers have paid taxes or penalties under this subsection to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected under this subsection during the second preceding calendar month by the Department plus an amount the Department determines is necessary to offset any amounts that were erroneously paid to a different taxing body, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department, less 2% of that amount, which shall be deposited into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering and enforcing the provisions of this subsection, on behalf of such municipality, and not including any amount that the Department determines is necessary to offset any amounts that were payable to a different taxing body but were erroneously paid to the municipality. Within 10 days after receipt by the Comptroller of the disbursement certification to the municipalities provided for in this subsection to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in the certification. The proceeds of the tax paid to municipalities under this subsection shall be deposited into the Business District Tax Allocation Fund by the municipality.

An ordinance or resolution imposing or discontinuing the tax under this subsection or effecting a change in the rate thereof shall either (i) be adopted and a certified copy thereof filed with the Department on or before the first day of April, whereupon the Department, if all other requirements of this subsection are met, shall proceed to administer and enforce this subsection as of the first day of July next following the adoption and filing; or (ii) be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon, if all other requirements of this subsection are met, the Department shall proceed to administer and enforce this subsection as of the first day of January next following the adoption and filing.

The Department of Revenue shall not administer or enforce an ordinance imposing, discontinuing, or changing the rate of the tax under this subsection, until the municipality also provides, in the manner prescribed by the Department, the boundaries of the business district in such a way that the Department can determine by its address whether a business is located in the business district. The municipality must provide this boundary information to the Department on or before April 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following July 1 and on or before October 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following January 1. The Department of Revenue shall not administer or enforce any change made to the boundaries of a business district until the municipality reports the boundary change to the Department in the manner prescribed by the Department. The municipality must provide this boundary change information to the Department on or before April 1 for administration and enforcement by the Department of the change beginning on the following July 1 and on or before October 1 for administration and enforcement by the Department of the change beginning on the following January 1. The retailers in the business district shall be responsible for charging the tax imposed under this subsection. If a retailer is incorrectly included or excluded from the list of those required to collect the tax under this subsection, both the Department of Revenue and the retailer shall be held harmless if they reasonably relied on information provided by the municipality.

A municipality that imposes the tax under this subsection must submit to the Department of Revenue any other information as the Department may require for the administration and enforcement of the tax.

When certifying the amount of a monthly disbursement to a municipality under this subsection, the Department shall increase or decrease the amount by an amount necessary to offset any misallocation of previous disbursements. The offset amount shall be the amount erroneously disbursed within the previous 6

months from the time a misallocation is discovered.

Nothing in this subsection shall be construed to authorize the municipality to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

If the General Assembly fails to appropriate sufficient funds for the Department of Revenue to implement the administration of the tax imposed under this subsection, then all provisions of this subsection requiring the Department to administer and enforce the tax imposed under this subsection are null and void and the tax imposed under this subsection shall instead be administered and enforced exclusively by each municipality imposing the tax with respect to that municipality's business district.

If a tax is imposed under this subsection (b), a tax shall also be imposed under subsection (c) of this Section.

(c) If a tax has been imposed under subsection (b), a Business District Service Occupation Tax shall also be imposed upon all persons engaged, in the business district, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the business district, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. The tax shall be imposed at the same rate as the tax imposed in subsection (b) and shall not exceed 1% of the selling price of tangible personal property so transferred within the business district, to be imposed only in 0.25% increments. The tax may not be imposed on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.

The tax imposed under this subsection and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Department of Revenue. The certificate of registration which is issued by the Department to a retailer under the Retailers' Occupation Tax Act or under the Service Occupation Tax Act shall permit such registrant to engage in a business which is taxable under any ordinance or resolution enacted pursuant to this subsection without registering separately with the Department under such ordinance or resolution or under this subsection. The Department of Revenue shall have full power to administer and enforce this subsection; to collect all taxes and penalties due under this subsection; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection. In the administration of, and compliance with this subsection, the Department and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties, exclusions, exemptions, and definitions of terms and employ the same modes of procedure as are prescribed in Sections 2, 2a through 2d, 3 through 3-50 (in respect to all provisions therein other than the State rate of tax), 4 (except that the reference to the State shall be to the business district), 5, 7, 8 (except that the jurisdiction to which the tax shall be a debt to the extent indicated in that Section 8 shall be the municipality), 9 (except as to the disposition of taxes and penalties collected, and except that the returned merchandise credit for this tax may not be taken against any State tax), 10, 11, 12 (except the reference therein to Section 2b of the Retailers' Occupation Tax Act), 13 (except that any reference to the State shall mean the municipality), the first paragraph of Section 15, and Sections 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and all provisions of the Uniform Penalty and Interest Act, as fully as if those provisions were set forth herein.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, in accordance with such bracket schedules as the Department may prescribe.

Whenever the Department determines that a refund should be made under this subsection to a claimant instead of issuing credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the business district retailers' occupation tax fund.

The Department shall forthwith pay over to the State Treasurer, ex-officio, as trustee, all taxes, penalties, and interest collected under this subsection for deposit into the business district retailers' occupation tax fund. On or before the 25th day of each calendar month, the Department shall prepare and certify to the Comptroller the disbursement of stated sums of money to named municipalities from the business district

retailers' occupation tax fund, the municipalities to be those from which suppliers and servicemen have paid taxes or penalties under this subsection to the Department during the second preceding calendar month. The amount to be paid to each municipality shall be the amount (not including credit memoranda) collected under this subsection during the second preceding calendar month by the Department, less 2% of that amount, which shall be deposited into the Tax Compliance and Administration Fund and shall be used by the Department, subject to appropriation, to cover the costs of the Department in administering and enforcing the provisions of this subsection, and not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of such municipality. Within 10 days after receipt, by the Comptroller, of the disbursement certification to the municipalities, provided for in this subsection to be given to the Comptroller by the Department, the Comptroller shall cause the orders to be drawn for the respective amounts in accordance with the directions contained in such certification. The proceeds of the tax paid to municipalities under this subsection shall be deposited into the Business District Tax Allocation Fund by the municipality.

An ordinance or resolution imposing or discontinuing the tax under this subsection or effecting a change in the rate thereof shall either (i) be adopted and a certified copy thereof filed with the Department on or before the first day of April, whereupon the Department, if all other requirements of this subsection are met, shall proceed to administer and enforce this subsection as of the first day of July next following the adoption and filing; or (ii) be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon, if all other conditions of this subsection are met, the Department shall proceed to administer and enforce this subsection as of the first day of January next following the adoption and filing.

The Department of Revenue shall not administer or enforce an ordinance imposing, discontinuing, or changing the rate of the tax under this subsection, until the municipality also provides, in the manner prescribed by the Department, the boundaries of the business district in such a way that the Department can determine by its address whether a business is located in the business district. The municipality must provide this boundary information to the Department on or before April 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following July 1 and on or before October 1 for administration and enforcement of the tax under this subsection by the Department beginning on the following January 1. The Department of Revenue shall not administer or enforce any change made to the boundaries of a business district until the municipality reports the boundary change to the Department in the manner prescribed by the Department. The municipality must provide this boundary change information to the Department on or before April 1 for administration and enforcement by the Department of the change beginning on the following July 1 and on or before October 1 for administration and enforcement by the Department of the change beginning on the following January 1. The retailers in the business district shall be responsible for charging the tax imposed under this subsection. If a retailer is incorrectly included or excluded from the list of those required to collect the tax under this subsection, both the Department of Revenue and the retailer shall be held harmless if they reasonably relied on information provided by the municipality.

A municipality that imposes the tax under this subsection must submit to the Department of Revenue any other information as the Department may require for the administration and enforcement of the tax.

Nothing in this subsection shall be construed to authorize the municipality to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by the State.

If the General Assembly fails to appropriate sufficient funds for the Department of Revenue to implement the administration of the tax imposed under this subsection, then all provisions of this subsection requiring the Department to administer and enforce the tax imposed under this subsection are null and void and the tax imposed under this subsection shall instead be administered and enforced exclusively by each municipality imposing the tax with respect to that municipality's business district.

If a tax is imposed under this subsection (c), a tax shall also be imposed under subsection (b) of this Section.

(d) By ordinance, a municipality that has established a business district under this Division 74.3 may impose an occupation tax upon all persons engaged in the business district in the business of renting, leasing, or letting rooms in a hotel, as defined in the Hotel Operators' Occupation Tax Act, at a rate not to exceed 1% of the gross rental receipts from the renting, leasing, or letting of hotel rooms within the business district, to be imposed only in 0.25% increments, excluding, however, from gross rental receipts the proceeds of renting, leasing, or letting to permanent residents of a hotel, as defined in the Hotel Operators' Occupation Tax Act, and proceeds from the tax imposed under subsection (c) of Section 13 of

the Metropolitan Pier and Exposition Authority Act.

The tax imposed by the municipality under this subsection and all civil penalties that may be assessed as an incident to that tax shall be collected and enforced by the municipality imposing the tax. The municipality shall have full power to administer and enforce this subsection, to collect all taxes and penalties due under this subsection, to dispose of taxes and penalties so collected in the manner provided in this subsection, and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty under this subsection. In the administration of and compliance with this subsection, the municipality and persons who are subject to this subsection shall have the same rights, remedies, privileges, immunities, powers, and duties, shall be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and shall employ the same modes of procedure as are employed with respect to a tax adopted by the municipality under Section 8-3-14 of this Code.

Persons subject to any tax imposed under the authority granted in this subsection may reimburse themselves for their tax liability for that tax by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes imposed under the Hotel Operators' Occupation Tax Act, and with any other tax.

Nothing in this subsection shall be construed to authorize a municipality to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

The proceeds of the tax imposed under this subsection shall be deposited into the Business District Tax Allocation Fund.

(e) Obligations issued pursuant to subsection (14) of Section 11-74.3-3 shall be retired in the manner provided in the ordinance authorizing the issuance of those obligations by the receipts of taxes levied as authorized in subsections (12) and (13) of Section 11-74.3-3. The ordinance shall pledge all of the amounts in and to be deposited in the Business District Tax Allocation Fund to the payment of business district project costs and obligations. Obligations issued pursuant to subsection (14) Section 11-74.3-3 may be sold at public or private sale at a price determined by the corporate authorities of the municipality and no referendum approval of the electors shall be required as a condition to the issuance of those obligations. The ordinance authorizing the obligations may require that the obligations contain a recital that they are issued pursuant to subsection (14) of Section 11-74.3-3 and this recital shall be conclusive evidence of their validity and of the regularity of their issuance. The corporate authorities of the municipality may also issue its obligations to refund, in whole or in part, obligations previously issued by the municipality under the authority of this Code, whether at or prior to maturity. All obligations issued pursuant to subsection (14) of Section 11-74.3-3 shall not be regarded as indebtedness of the municipality issuing the obligations for the purpose of any limitation imposed by law.

(f) When business district costs, including, without limitation, all municipal obligations financing business district project costs incurred under Section 11-74.3-3 have been paid, any surplus funds then remaining in the Business District Tax Allocation Fund shall be distributed to the municipal treasurer for deposit into the municipal general corporate fund. Upon payment of all business district project costs and retirement of obligations, but in no event more than 23 years after the date of adoption of the ordinance approving the business district development or redevelopment plan, the municipality shall adopt an ordinance immediately rescinding the taxes imposed pursuant to subsections (12) and (13) of Section 11-74.3-3.

Section 99. Effective date. This Act takes effect on January 1, 2005."

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 5130. Having been recalled on March 25, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Turner offered the following amendment and moved its adoption.

AMENDMENT NO. 2 . Amend House Bill 5130, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 14, by replacing lines 32 through 34 with "by signage posting or publication. The"; and

on page 28, by replacing lines 22 through 24 with "by signage posting or publication. The".

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 4302. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Human Services, adopted and printed.

AMENDMENT NO. 1. Amend House Bill 4302 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Display of Tobacco Products Act.

Section 5. Definitions. In this Act:

"Age restricted area" means an enclosed designated area in a retail establishment that is directly visible to the cashier, separated from the other areas of the establishment, with a single separate entrance through which no one under 18 years of age is allowed to enter.

"Tobacco product" means a cigar, loose tobacco, cigarette, packs of cigarettes, or smokeless tobacco, excluding cartons of cigarettes.

"Smokeless tobacco" means any tobacco product that is suitable for dipping or chewing.

Section 10. Tobacco product displays.

(a) It is unlawful to sell, offer for sale, give away, or display tobacco products for sale at any location unless the tobacco products are displayed from behind a sales or service counter or in an age restricted area of a retail establishment or in an enclosed display case so that a consumer cannot access tobacco products without the assistance of an employee of the retail establishment authorized to sell tobacco products. At the entrance of the age restricted area shall be posted a legible sign at least 12 inches high by 12 inches wide stating:

"Age Restricted Area. No One Under the Age of 18 Permitted to Enter."

(b) The restrictions described in subsection (a) do not apply to a retail tobacco store that (i) derives at least 90% of its revenue from tobacco and tobacco related products; (ii) does not permit persons under the age of 18 to enter the premises; and (iii) posts a sign on the main entrance way stating that persons under the age of 18 are prohibited from entering.

(c) A minor under 18 years of age may not sell any cigar, cigarette, smokeless tobacco, or tobacco in any of its forms at a retail establishment. This subsection (c) does not apply to a sales clerk in a family-owned business that can prove that the sales clerk is the son or daughter of the owner.

Section 15. Vending machines. This Act does not prohibit the sale of tobacco products from vending machines if the location of the vending machines are in compliance with the provisions of Section 1 of the Sale of Tobacco to Minors Act.

Section 20. Sentence. A violation of this Act is a petty offense for which the court shall impose a fine of not less than \$100 nor more than \$1,000."

AMENDMENT NO. 2. Amend House Bill 4302 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Display of Tobacco Products Act.

Section 5. Definitions. In this Act: "Line of sight" means visible to a cashier or other employee, whether directly or by means of mirrors or monitors.

"Age restricted area" means a signed designated area in a retail establishment to which minors under 18 years of age are not permitted access.

Section 10. Tobacco product displays. All single packs of cigarettes must be sold from behind the counter or in an age restricted area or in a sealed display case. Any other tobacco products must be sold in line of sight.

The restrictions described in this Section do not apply to a retail tobacco store that (i) derives at least 90% of its revenue from tobacco and tobacco related products; (ii) does not permit persons under the age of 18 to enter the premises; and (iii) posts a sign on the main entrance way stating that persons under the age of 18 are prohibited from entering.

Section 15. Vending machines. This Act does not prohibit the sale of tobacco products from vending machines if the location of the vending machines are in compliance with the provisions of Section 1 of the Sale of Tobacco to Minors Act.

Section 20. Sentence. A violation of this Act is a petty offense for which the court shall impose a fine of not less than \$100 nor more than \$1,000.

Section 105. The Sale of Tobacco to Minors Act is amended by changing Section 1 as follows:

(720 ILCS 675/1) (from Ch. 23, par. 2357)

Sec. 1. Prohibition on sale of tobacco to minors; vending machines; lunch wagons.

(a) No minor under 18 years of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms, to any minor under 18 years of age.

(a-5) No minor under 16 years of age may sell any cigar, cigarette, smokeless tobacco, or tobacco in any of its forms at a retail establishment selling tobacco products. This subsection does not apply to a sales clerk in a family-owned business which can prove that the sales clerk is in fact a son or daughter of the owner.

For the purpose of this Section, "smokeless tobacco" means any tobacco products that are suitable for dipping or chewing.

(b) Tobacco products listed above may be sold through a vending machine only in the following locations:

(1) Factories, businesses, offices, private clubs, and other places not open to the general public.

(2) Places to which minors under 18 years of age are not permitted access.

(3) Places where alcoholic beverages are sold and consumed on the premises.

(4) Places where the vending machine is under the direct supervision of the owner of the establishment or an employee over 18 years of age. The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person. As used in this subdivision, "direct supervision" means that the owner or employee has an unimpeded line of sight to the vending machine.

(5) Places where the vending machine can only be operated by the owner or an employee over age 18 either directly or through a remote control device if the device is inaccessible to all customers.

(c) The sale or distribution at no charge of cigarettes from a lunch wagon engaging in any sales activity within 1,000 feet of any public or private elementary or secondary school grounds is prohibited.

For the purpose of this Section, "lunch wagon" means a mobile vehicle designed and constructed to transport food and from which food is sold to the general public.

(Source: P.A. 93-284, eff. 1-1-04.)

Section 999. Effective date. This Act takes effect January 1, 2005."

Representative Yarbrough offered the following amendment and moved its adoption:

AMENDMENT NO. 3. Amend House Bill 4302, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Display of Tobacco Products Act.

Section 5. Definitions. In this Act:

"Line of sight" means visible to a cashier or other employee.

"Age restricted area" means a signed designated area in a retail establishment to which minors under 18 years of age are not permitted access unless accompanied by a parent or legal guardian.

Section 10. Tobacco product displays. All single packs of cigarettes must be sold from behind the counter or in an age restricted area or in a sealed display case. Any other tobacco products must be sold in line of sight.

The restrictions described in this Section do not apply to a retail tobacco store that (i) derives at least 90% of its revenue from tobacco and tobacco related products; (ii) does not permit persons under the age of 18 to enter the premises unless accompanied by a parent or legal guardian; and (iii) posts a sign on the main entrance way stating that persons under the age of 18 are prohibited from entering unless accompanied by a parent or legal guardian.

Section 15. Vending machines. This Act does not prohibit the sale of tobacco products from vending machines if the location of the vending machines are in compliance with the provisions of Section 1 of the

Sale of Tobacco to Minors Act.

Section 20. Sentence. A violation of this Act is a petty offense for which the court shall impose a fine of not less than \$100 nor more than \$1,000.

Section 105. The Sale of Tobacco to Minors Act is amended by changing Section 1 as follows:

(720 ILCS 675/1) (from Ch. 23, par. 2357)

Sec. 1. Prohibition on sale of tobacco to minors; vending machines; lunch wagons.

(a) No minor under 18 years of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms, to any minor under 18 years of age.

(a-5) No minor under 16 years of age may sell any cigar, cigarette, smokeless tobacco, or tobacco in any of its forms at a retail establishment selling tobacco products. This subsection does not apply to a sales clerk in a family-owned business which can prove that the sales clerk is in fact a son or daughter of the owner.

For the purpose of this Section, "smokeless tobacco" means any tobacco products that are suitable for dipping or chewing.

(b) Tobacco products listed above may be sold through a vending machine only in the following locations:

(1) Factories, businesses, offices, private clubs, and other places not open to the general public.

(2) Places to which minors under 18 years of age are not permitted access.

(3) Places where alcoholic beverages are sold and consumed on the premises.

(4) Places where the vending machine is under the direct supervision of the owner of the establishment or an employee over 18 years of age. The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person. As used in this subdivision, "direct supervision" means that the owner or employee has an unimpeded line of sight to the vending machine.

(5) Places where the vending machine can only be operated by the owner or an employee over age 18 either directly or through a remote control device if the device is inaccessible to all customers.

(c) The sale or distribution at no charge of cigarettes from a lunch wagon engaging in any sales activity within 1,000 feet of any public or private elementary or secondary school grounds is prohibited.

For the purpose of this Section, "lunch wagon" means a mobile vehicle designed and constructed to transport food and from which food is sold to the general public.

(Source: P.A. 93-284, eff. 1-1-04.)

Section 999. Effective date. This Act takes effect January 1, 2005."

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

There being no further amendments, the foregoing Amendments numbered 1, 2 and 3 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 4635. Having been recalled on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Younge offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 4635, on page 9, by replacing lines 7 through 33 with the following:

"Section 35. Borrowing money. To obtain the funds necessary for financing the acquisition of land, the acquisition of construction of any building, and for the operation of the District set forth in this Act, the Commission may borrow money from any public or private agency, department, corporation, or person. The Commission shall have no authority to issue bonds. The debts of the Commission shall not be the debts of the State of Illinois."

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 4640. Having been recalled on March 30, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Younge offered the following amendment and moved its adoption.

AMENDMENT NO. 1 . Amend House Bill 4640 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Community Self-Revitalization Act.

Section 5. Findings and purpose.

(a) The General Assembly finds that:

(1) There is a great need for economic revitalization in many communities throughout this State.

(2) Each community has valuable resources at its fingertips that can be tapped in the revitalization process.

(3) With adequate support and assistance from the State and other resources, each community can participate in and shepherd its own economic renewal.

(4) Successful redevelopment plans are based on policy that is responsive to the existing composition and character of the economically distressed community and that allows and compels the community to participate in the redevelopment planning process.

(5) A successful redevelopment initiative creates and maintains a capable and adaptable workforce, has access to capital, has a sound fiscal base, has adequate infrastructure, has well-managed natural resources, and has an attractive quality of life.

(b) It is the purpose of this legislation to provide a mechanism for an economically distressed community to use in its efforts to revitalize the community.

Section 10. Definitions. As used in this Section:

"Community" means a municipality or a county with respect to the unincorporated areas of a county.

"Department" means the Department of Commerce and Economic Opportunity.

"Economically distressed community" means (i) in the case of a municipality with a population of 25,000 or more, a municipality that is certified by the Department as being in the highest 10% of all municipalities of 25,000 or more in the State in its average annual total unemployment rate for the last completed calendar year and its poverty rate, pursuant to the most recent U.S. Census data available and (ii) in the case of a municipality with a population of less than 25,000 or an unincorporated area, a municipality or unincorporated area that is located at least partly in a county that is certified by the Department as being in the highest 10% of all counties in its average annual total unemployment rate for the last completed calendar year and its poverty rate, pursuant to the most recent U.S. Census data available.

Section 15. Certification; Board of Economic Advisors.

(a) In order to receive the assistance as provided in this Act, a community shall first, by ordinance passed by its corporate authorities, request that the Department certify that it is an economically distressed community. The community must submit a certified copy of the ordinance to the Department. After review of the ordinance, if the Department determines that the community meets the requirements for certification, the Department shall certify the community as an economically distressed community.

(b) A community that is certified by the Department as an economically distressed community may appoint a Board of Economic Advisors to create and implement a revitalization plan for the community. The Board shall consist of 12 members of the community, appointed by the mayor or the presiding officer of the county or jointly by the presiding officers of each municipality and county that have joined to form a community for the purposes of this Act. The Board members shall be appointed from the 12 sectors vital to community redevelopment as follows:

(1) A member representing households and families.

(2) A member representing religious organizations.

(3) A member representing educational institutions.

(4) A member representing daycare centers, care centers for the handicapped, and care centers for the disadvantaged.

(5) A member representing community based organizations such as neighborhood improvement associations.

- (6) A member representing federal and State employment service systems, skill training centers, and placement referrals.
- (7) A member representing Masonic organizations, fraternities, sororities, and social clubs.
- (8) A member representing hospitals, nursing homes, senior citizens, public health agencies, and funeral homes.
- (9) A member representing organized sports, parks, parties, and games of chance.
- (10) A member representing political parties, clubs, and affiliations, and election related matters concerning voter education and participation.
- (11) A member representing the cultural aspects of the community, including cultural events, lifestyles, languages, music, visual and performing arts, and literature.
- (12) A member representing police and fire protection agencies, prisons, weapons systems, and the military industrial complex.

The Board shall meet initially within 30 days of its appointment, shall select one member as chairperson at its initial meeting, and shall thereafter meet at the call of the chairperson. Members of the Board shall serve without compensation but shall be reimbursed for their reasonable and necessary expenses from funds available for that purpose.

(b) The Board shall create a 3-year to 5-year revitalization plan for the community. The plan shall contain distinct, measurable objectives for revitalization. The objectives shall be used to guide ongoing implementation of the plan and to measure progress during the 3-year to 5-year period. The Board shall work in a dynamic manner defining goals for the community based on the strengths and weaknesses of the individual sectors of the community as presented by each member of the Board. The Board shall meet periodically and revise the plan in light of the input from each member of the Board concerning his or her respective sector of expertise. The process shall be a community driven revitalization process, with community-specific data determining the direction and scope of the revitalization.

Section 20. Action by the Board.

(a) Organize. The Board shall first assess the needs and the resources of the community operating from the basic premise that the family unit is the primary unit of community and that the demand for goods and services from this residential sector is the main source of recovery and growth for the redevelopment of a community. The Board shall inventory community assets, including the condition of the family with respect to the role of the family as workers, consumers, and investors. The Board shall inventory the type and viability of businesses and industries currently in the community. In compiling the inventory, the Board shall rely on the input of each Board member with respect to his or her expertise in a given sector of the revitalization plan.

(b) Revitalize. In implementing the revitalization plan, the Board shall focus on and build from existing resources in the community, growing existing businesses rather than luring business into the community from the outside. The Board shall also focus on the residents themselves rather than jobs. The Board shall promote investment in training residents in areas that will lead to employment and in turn will bring revenue into the community.

(c) Mobilize. The Board shall engage in the dynamic process of community self-revitalization through a continuous reassessment of the needs of the community in the revitalization process. As each goal of the 3-year to 5-year plan is achieved, the Board shall draw from the resources of its members to establish new goals and implement new strategies employing the lessons learned in the earlier stages of revitalization.

(d) Advise. The Board shall Act as the liaison between the community and the local, county, and State Government. The Board shall make use of the resources of these governmental entities and shall provide counsel to each of these bodies with respect to economic development.

The Board shall also act as a liaison between private business entities located in the community and the community itself. The Board shall offer advice and assistance to these entities when requested and provide incentives and support, both economic and otherwise, to facilitate expansion and further investment in the community by the businesses.

The Board shall annually submit a report to the General Assembly and the Governor summarizing the accomplishments of the community concerning revitalization and the goals of the community for future revitalization.

Section 25. Funding sources. Subject to appropriation, the Department may make grants to communities that are certified as economically distressed communities under this Act and that create a Board of Economic Advisors under this Act for the operational expenses of the Board. The procedures for grant application shall be established by the Department by rule.

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.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 774, 776 and 779 were taken up for consideration.
Representative Currie moved the adoption of the agreed resolutions.
The motion prevailed and the Agreed Resolutions were adopted.

DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 5:34 o'clock p.m.

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 Scully, HOUSE BILL 5345 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:
60, Yeas; 58, Nays; 0, Answering Present.
(ROLL CALL 42)

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 6138. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Osmond offered the following amendment and moved its adoption.

AMENDMENT NO. 1 . Amend House Bill 6138 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 18-185 as follows:
(35 ILCS 200/18-185)

Sec. 18-185. Short title; definitions. This Division 5 may be cited as the Property Tax Extension Limitation Law. As used in this Division 5:

"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.

"Extension limitation" means (a) the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate of increase approved by voters under Section 18-205.

"Affected county" means a county of 3,000,000 or more inhabitants or a county contiguous to a county of 3,000,000 or more inhabitants.

"Taxing district" has the same meaning provided in Section 1-150, except as otherwise provided in this Section. For the 1991 through 1994 levy years only, "taxing district" includes only each non-home rule taxing district having the majority of its 1990 equalized assessed value within any county or counties

contiguous to a county with 3,000,000 or more inhabitants. Beginning with the 1995 levy year, "taxing district" includes only each non-home rule taxing district subject to this Law before the 1995 levy year and each non-home rule taxing district not subject to this Law before the 1995 levy year having the majority of its 1994 equalized assessed value in an affected county or counties. Beginning with the levy year in which this Law becomes applicable to a taxing district as provided in Section 18-213, "taxing district" also includes those taxing districts made subject to this Law as provided in Section 18-213.

"Aggregate extension" for taxing districts to which this Law applied before the 1995 levy year means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before October 1, 1991; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before October 1, 1991; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after October 1, 1991 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before October 1, 1991 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before October 1, 1991, to pay for the building project; (g) made for payments due under installment contracts entered into before October 1, 1991; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), (e), and (h) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made by a school district that participates in the Special Education District of Lake County, created by special education joint agreement under Section 10-22.31 of the School Code, for payment of the school district's share of the amounts required to be contributed by the Special Education District of Lake County to the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code; the amount of any extension under this item (k) shall be certified by the school district to the county clerk; ~~and~~ (l) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (m) made for temporary relocation loan repayment purposes pursuant to Sections 2-3.77 and 17-2.2d of the School Code, and (n) made for payment of principal and interest on any bonds issued under the authority of Section 17-2.2d of the School Code.

"Aggregate extension" for the taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213) means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 1, 1995; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 1, 1995; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 1, 1995 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 1, 1995 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 1, 1995 to pay for the building project; (g) made for payments due under installment contracts entered into before March 1, 1995; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum

obligations, except obligations initially issued pursuant to referendum and bonds described in subsection (h) of this definition; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made for payments of principal and interest on bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium or museum projects; (l) made for payments of principal and interest on bonds authorized by Public Act 87-1191 or 93-601 ~~this amendatory Act of the 93rd General Assembly~~ and (i) issued pursuant to Section 21.2 of the Cook County Forest Preserve District Act, (ii) issued under Section 42 of the Cook County Forest Preserve District Act for zoological park projects, or (iii) issued under Section 44.1 of the Cook County Forest Preserve District Act for botanical gardens projects; (m) made pursuant to Section 34-53.5 of the School Code, whether levied annually or not; (n) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (o) made by the Chicago Park District for recreational programs for the handicapped under subsection (c) of Section 7.06 of the Chicago Park District Act.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the taxing district is held for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the date on which the referendum making this Law applicable to the taxing district is held to pay for the building project; (g) made for payments due under installment contracts entered into before the date on which the referendum making this Law applicable to the taxing district is held; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); and (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with paragraph (2) of subsection (e) of Section 18-213 means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the effective date of this amendatory Act of 1997; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the effective date of this amendatory Act of 1997; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the effective date of this amendatory Act of 1997 if the bonds were approved by referendum after the effective date of this amendatory Act of 1997; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the effective date of this amendatory Act of 1997 for payment of which a property tax levy or the full faith and credit of

the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the effective date of this amendatory Act of 1997 to pay for the building project; (g) made for payments due under installment contracts entered into before the effective date of this amendatory Act of 1997; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); and (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code.

"Debt service extension base" means an amount equal to that portion of the extension for a taxing district for the 1994 levy year, or for those taxing districts subject to this Law in accordance with Section 18-213, except for those subject to paragraph (2) of subsection (e) of Section 18-213, for the levy year in which the referendum making this Law applicable to the taxing district is held, or for those taxing districts subject to this Law in accordance with paragraph (2) of subsection (e) of Section 18-213 for the 1996 levy year, constituting an extension for payment of principal and interest on bonds issued by the taxing district without referendum, but not including excluded non-referendum bonds. For park districts (i) that were first subject to this Law in 1991 or 1995 and (ii) whose extension for the 1994 levy year for the payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds) was less than 51% of the amount for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds), "debt service extension base" means an amount equal to that portion of the extension for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds). The debt service extension base may be established or increased as provided under Section 18-212. "Excluded non-referendum bonds" means (i) bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium and museum projects; (ii) bonds issued under Section 15 of the Local Government Debt Reform Act; or (iii) refunding obligations issued to refund or to continue to refund obligations initially issued pursuant to referendum.

"Special purpose extensions" include, but are not limited to, extensions for levies made on an annual basis for unemployment and workers' compensation, self-insurance, contributions to pension plans, and extensions made pursuant to Section 6-601 of the Illinois Highway Code for a road district's permanent road fund whether levied annually or not. The extension for a special service area is not included in the aggregate extension.

"Aggregate extension base" means the taxing district's last preceding aggregate extension as adjusted under Sections 18-215 through 18-230.

"Levy year" has the same meaning as "year" under Section 1-155.

"New property" means (i) the assessed value, after final board of review or board of appeals action, of new improvements or additions to existing improvements on any parcel of real property that increase the assessed value of that real property during the levy year multiplied by the equalization factor issued by the Department under Section 17-30, (ii) the assessed value, after final board of review or board of appeals action, of real property not exempt from real estate taxation, which real property was exempt from real estate taxation for any portion of the immediately preceding levy year, multiplied by the equalization factor issued by the Department under Section 17-30, and (iii) in counties that classify in accordance with Section 4 of Article IX of the Illinois Constitution, an incentive property's additional assessed value resulting from a scheduled increase in the level of assessment as applied to the first year final board of review market value. In addition, the county clerk in a county containing a population of 3,000,000 or more shall include in the 1997 recovered tax increment value for any school district, any recovered tax increment value that was applicable to the 1995 tax year calculations.

"Qualified airport authority" means an airport authority organized under the Airport Authorities Act and located in a county bordering on the State of Wisconsin and having a population in excess of 200,000 and

not greater than 500,000.

"Recovered tax increment value" means, except as otherwise provided in this paragraph, the amount of the current year's equalized assessed value, in the first year after a municipality terminates the designation of an area as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, by an amount equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. In the first year after a municipality removes a taxable lot, block, tract, or parcel of real property from a redevelopment project area established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, the Industrial Jobs Recovery Law in the Illinois Municipal Code, or the Economic Development Area Tax Increment Allocation Act, "recovered tax increment value" means the amount of the current year's equalized assessed value of each taxable lot, block, tract, or parcel of real property removed from the redevelopment project area over and above the initial equalized assessed value of that real property before removal from the redevelopment project area.

Except as otherwise provided in this Section, "limiting rate" means a fraction the numerator of which is the last preceding aggregate extension base times an amount equal to one plus the extension limitation defined in this Section and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. For those taxing districts that reduced their aggregate extension for the last preceding levy year, the highest aggregate extension in any of the last 3 preceding levy years shall be used for the purpose of computing the limiting rate. The denominator shall not include new property. The denominator shall not include the recovered tax increment value.

(Source: P.A. 92-547, eff. 6-13-02; 93-601, eff. 1-1-04; 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; revised 12-10-03.)

Section 10. The School Code is amended by adding Section 17-2.2d as follows:

(105 ILCS 5/17-2.2d new)

Sec. 17-2.2d. Special taxing and bonding for temporary relocation expense and emergency replacement purposes.

(a) In addition to any other taxes and notwithstanding any limitation imposed by the Property Tax Extension Limitation Law or any other limitations specified in this Code or any other law, the school board of any district having a population of less than 500,000 inhabitants that meets the criteria specified in subsection (c) of this Section, may, by proper resolution, levy an annual tax not to exceed 0.05% upon the value of the taxable property as equalized or assessed by the Department of Revenue for a period not to exceed 7 years for the purpose of providing for the repayment of moneys distributed for temporary relocation expenses of the district pursuant to Section 2-3.77 of this Code.

(b) The school board of any district that meets the criteria specified in subsection (c) of this Section may repair, reconstruct, or replace a condemned building without seeking referendum approval for the repair, reconstruction, or replacement.

(c) In order for this Section to apply, the school district must (i) be located in a county subject to the Property Tax Extension Limitation Law, (ii) have had a total enrollment of at least 1,075 students as shown on the 2003 Illinois State Report Card, and (iii) have had a school building condemned after January 1, 2004 and prior to June 30, 2004.

(d) Notwithstanding any limitation imposed by the Property Tax Extension Limitation Law or any other limitations specified in this Code or any other law, the school board of any district that meets the criteria specified in subsection (c) of this Section, may, by proper resolution, issue bonds, without referendum, in an amount sufficient to finance the total cost of repair, reconstruction, or replacement of the condemned building. Any premium and all interest earnings on the proceeds of the bonds so issued shall be used for the

purposes for which the bonds were issued. The proceeds of any bonds issued under this Section shall be deposited and accounted for separately within the district's site and construction/capital improvements fund. The recording officer of the board shall file in the office of the county clerk of each county in which a portion of the district is situated a certified copy of the resolution providing for the issuance of the bonds and levy of a tax without limit as to rate or amount to pay the bonds. Bonds issued under this Section and any bonds issued to refund these bonds are not subject to any debt limitation imposed by this Code.

(e) The school board, as an express condition to receiving a temporary relocation loan under Section 2-3.77 of this Code, must agree to levy the tax provided in this Section at the maximum rate permitted and to pay to the State of Illinois for deposit into the Temporary Relocation Expenses Revolving Grant Fund (i) all proceeds of the tax attributable to the first year and succeeding years for which the tax is levied after moneys appropriated for purposes of Section 2-3.77 have been distributed to the school district and (ii) all insurance proceeds that become payable to the district under those provisions of any contract or policy of insurance that provide reimbursement for or other coverage against loss with respect to any temporary relocation expenses of the district or proceeds of any legal judgment or settlement regarding the temporary relocation expenses incurred by the district, provided that the aggregate of any tax and insurance or other proceeds paid by the district to the State pursuant to this subsection (e) shall not exceed in amount the moneys distributed to the district pursuant to Section 2-3.77 as a loan or grant.

(f) If bonds under this Section have been issued by the school district and the purposes for which the bonds have been issued are accomplished and paid for in full and there remain funds on hand from the proceeds of the bonds or interest earnings or premiums, then the school board, by resolution, shall transfer those excess funds to the district's bond and interest fund for the purpose of abating taxes to pay debt service on the bonds or for defeasance of the debt or both.

(g) If the school district receives a construction grant under the School Construction Law or any other law and the purposes for which the grant was issued are accomplished and paid for in full and there remains funds on hand from the grant or interest earnings thereon, then the excess funds shall be paid to the State of Illinois for deposit into the School Construction Fund or other State fund from which the construction grant was paid.

(h) All insurance proceeds that become payable to the school district under those provisions of a contract or policy of insurance that provide reimbursement for or other coverage against losses other than with respect to any temporary relocation expenses of the district or proceeds of any legal judgment or settlement regarding the repair, reconstruction, or replacement of the condemned building shall be applied to the repair, reconstruction, or replacement. If the project is completed and, therefore, all costs have been paid for in full and there remain funds on hand, including any interest earnings thereon, from the insurance coverage, legal judgment, or settlement, then a portion of those excess funds equal to the State's share of the construction cost of the project shall be paid to the State of Illinois for deposit into the School Construction Fund or other State fund from which the construction grant was paid, and the remainder of the excess funds shall be transferred to the district's bond and interest fund for the purpose of abating taxes to pay debt service on the bonds or for defeasance of the debt or both. If no debt service remains to be paid, then the excess may be transferred to whichever fund that, as determined by the school board, is most in need of the funds.

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 4374. Having been recalled on March 26, 2004, and held on the order of Second Reading, the same was again taken up.

Representative McKeon offered the following amendment and moved its adoption.

AMENDMENT NO. 1 . Amend House Bill 4374 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Labor Relations Act is amended by changing Section 6 as follows:

(5 ILCS 315/6) (from Ch. 48, par. 1606)

Sec. 6. Right to organize and bargain collectively; exclusive representation; and fair share arrangements.

(a) Employees of the State and any political subdivision of the State, excluding employees of the General Assembly of the State of Illinois, have, and are protected in the exercise of, the right of self-organization, and may form, join or assist any labor organization, to bargain collectively through representatives of their own choosing on questions of wages, hours and other conditions of employment, not excluded by Section 4 of this Act, and to engage in other concerted activities not otherwise prohibited by law for the purposes of collective bargaining or other mutual aid or protection, free from interference, restraint or coercion. Employees also have, and are protected in the exercise of, the right to refrain from participating in any such concerted activities. Employees may be required, pursuant to the terms of a lawful fair share agreement, to pay a fee which shall be their proportionate share of the costs of the collective bargaining process, contract administration and pursuing matters affecting wages, hours and other conditions of employment as defined in Section 3(g).

(b) Nothing in this Act prevents an employee from presenting a grievance to the employer and having the grievance heard and settled without the intervention of an employee organization; provided that the exclusive bargaining representative is afforded the opportunity to be present at such conference and that any settlement made shall not be inconsistent with the terms of any agreement in effect between the employer and the exclusive bargaining representative.

(c) A labor organization designated by the Board as the representative of the majority of public employees in an appropriate unit in accordance with the procedures herein or recognized by a public employer as the representative of the majority of public employees in an appropriate unit is the exclusive representative for the employees of such unit for the purpose of collective bargaining with respect to rates of pay, wages, hours and other conditions of employment not excluded by Section 4 of this Act.

(d) Labor organizations recognized by a public employer as the exclusive representative or so designated in accordance with the provisions of this Act are responsible for representing the interests of all public employees in the unit. Nothing herein shall be construed to limit an exclusive representative's right to exercise its discretion to refuse to process grievances of employees that are unmeritorious.

(e) When a collective bargaining agreement is entered into with an exclusive representative, it may include in the agreement a provision requiring employees covered by the agreement who are not members of the organization to pay their proportionate share of the costs of the collective bargaining process, contract administration and pursuing matters affecting wages, hours and conditions of employment, as defined in Section 3 (g), but not to exceed the amount of dues uniformly required of members. The organization shall certify to the employer the amount constituting each nonmember employee's proportionate share which shall not exceed dues uniformly required of members. In such case, the proportionate share payment in this Section shall be deducted by the employer from the earnings of the nonmember employees and paid to the employee organization.

(f) Only the exclusive representative may negotiate provisions in a collective bargaining agreement providing for the payroll deduction of labor organization dues, fair share payment, initiation fees and assessments. Except as provided in subsection (e) of this Section, any such deductions shall only be made upon an employee's written authorization, and continued until revoked in writing in the same manner or until the termination date of an applicable collective bargaining agreement. Such payments shall be paid to the exclusive representative.

Where a collective bargaining agreement is terminated, or continues in effect beyond its scheduled expiration date pending the negotiation of a successor agreement or the resolution of an impasse under Section 14, the employer shall continue to honor and abide by any dues deduction or fair share clause contained therein until a new agreement is reached including dues deduction or a fair share clause. For the benefit of any successor exclusive representative certified under this Act, this provision shall be applicable, provided the successor exclusive representative:

(i) certifies to the employer the amount constituting each non-member's proportionate share under subsection (e); or

(ii) presents the employer with employee written authorizations for the deduction of dues, assessments, and fees under this subsection.

Failure to so honor and abide by dues deduction or fair share clauses for the benefit of any exclusive representative, including a successor, shall be a violation of the duty to bargain and an unfair labor practice.

(g) Agreements containing a fair share agreement must safeguard the right of nonassociation of employees based upon bona fide religious tenets or teachings of a church or religious body of which such employees are members. Such employees may be required to pay an amount equal to their fair share, determined under a lawful fair share agreement, to a nonreligious charitable organization mutually agreed upon by the employees affected and the exclusive bargaining representative to which such employees

would otherwise pay such service fee. If the affected employees and the bargaining representative are unable to reach an agreement on the matter, the Board may establish an approved list of charitable organizations to which such payments may be made. (Source: P.A. 85-1032.)"

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 4436. Having been recalled on March 30, 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. 2. Amend House Bill 4436, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Hospital Licensing Act is amended by adding Section 17 as follows:

(210 ILCS 85/17 new)

Sec. 17. Nurse overtime prohibited.

(a) Definitions. As used in this Section:

"Nurse" means any registered nurse, licensed practical nurse, or assistive nursing professional who receives an hourly wage and has direct responsibility to oversee or carry out medical regimens or nursing care for one or more patients.

"Overtime" means work in excess of an agreed-to, predetermined scheduled work shift not to exceed 16 hours in any 24-hour period, or work in excess of 120 hours in a consecutive 14-day period, but does not include time spent by nurses being on call. In a hospital for which a collective bargaining agreement is in place, the collective bargaining agreement shall prevail.

"On-call" means the status of a nurse who has agreed to be scheduled as available for a specific time period but who is not scheduled to a patient-specific assignment until and when patient needs require the nurse's nursing services and the nurse is then requested to work in order to ensure the availability of qualified specialty staff to meet an unexpected patient need or provide continuity through completion of a case, treatment or procedure.

"Unforeseen emergent circumstance" means an unusual, unpredictable, unforeseen, or unexpected circumstance calling for additional clinical assistance or care where the hospital has no reasonable alternative for obtaining such care or assistance.

(b) Overtime prohibited. No nurse shall be required to work overtime except in the case of an unforeseen emergent circumstance when overtime is required only as a last resort. A nurse shall be required to work overtime if:

(1) the work is a consequence of an emergency situation that could not have been reasonably anticipated;

(2) the nurse has critical skills and expertise that are required for the work;

(3) the State has enacted its medical disaster plan; or

(4) the standard of care for a patient assignment requires continuity of care through completion of a case, treatment, or procedure.

In calculating overtime, on-call hours are not considered until patient need requires nursing services and the nurse is then requested to work in order to ensure the availability of qualified specialty staff to meet an unexpected patient need or provide continuity through completion of a case, treatment, or procedure.

(c) Violations. Any employee of a hospital that is subject to this Act may file a complaint with the Department of Public Health regarding an alleged violation of this Section. The complaint must be filed within 30 days following the occurrence of the incident giving rise to the alleged violation. The Department must forward notification of the alleged violation to the hospital in question within 3 business days after the complaint is filed.

A violation of this Section must be proven by clear and convincing evidence that a nurse was required to work overtime against his or her will. The hospital may defeat the claim of a violation by clear and convincing evidence that an unforeseen emergent circumstance, which required overtime work only as a last resort, existed at the time the employee was required or compelled to work.

Upon receiving a complaint of a violation of this Section, the Department may take any action authorized under Section 7 or 9 of this Act.

(d) Posting of summary. Every hospital that is subject to this Act must keep a summary of this Section approved by the Director of Labor posted in a conspicuous and accessible place in or about the premises wherever any person subject to this Section is employed. The Department of Labor must furnish copies of the summary on request to hospitals, without charge.

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 again advanced to the order of Third Reading.

HOUSE BILL 5892. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Richard Bradley offered the following amendment and moved its adoption.

AMENDMENT NO. 1 . Amend House Bill 5892 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Section 2105-75 as follows:

(20 ILCS 2105/2105-75) (was 20 ILCS 2105/61f)

Sec. 2105-75. Design professionals designated ~~Dedicated~~ employees. There are established within the Department certain design professionals designated ~~dedicated~~ employees. These employees shall be devoted primarily ~~exclusively~~ to the administration and enforcement of the Illinois Architecture Practice Act, the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, and the Structural Engineering Practice Act of 1989. The design professionals designated ~~dedicated~~ employees that the Director shall employ, in conformity with the Personnel Code, shall include but not be limited to at a minimum shall consist of one full-time Design Licensing Manager ~~Coordinator~~, one full-time Assistant Licensing Manager ~~Coordinator~~, 4 full-time licensing clerks, one full-time attorney, and 2 full-time investigators. These employees shall work primarily ~~exclusively~~ in the licensing and enforcement of the design profession Acts set forth in this Section and may ~~shall not~~ be used , when available, for for the licensing and enforcement of any other Act or other duties in the Department subject to the authorization of the Department.

(Source: P.A. 91-91, eff. 7-9-99; 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)"

Section 10. The Illinois Architecture Practice Act of 1989 is amended by changing Sections 3, 4, 13, and 36 as follows:

(225 ILCS 305/3) (from Ch. 111, par. 1303)

(Section scheduled to be repealed on January 1, 2010)

Sec. 3. Application of Act. Nothing in this Act shall be deemed or construed to prevent the practice of structural engineering as defined in the Structural Engineering Practice Act of 1989, the practice of professional engineering as defined in the Professional Engineering Practice Act of 1989, or the preparation of documents used to prescribe work to be done inside buildings for non-loadbearing interior construction, furnishings, fixtures and equipment, or the offering or preparation of environmental analysis, feasibility studies, programming or construction management services by persons other than those licensed in accordance with this Act, the Structural Engineering Practice Act of 1989 or the Professional Engineering Practice Act of 1989.

Nothing contained in this Act shall prevent the draftsmen, students, project representatives and other employees of those lawfully practicing as licensed architects under the provisions of this Act, from acting under the direct supervision and control of their employers, or to prevent the employment of project representatives for enlargement or alteration of buildings or any parts thereof, or prevent such project representatives from acting under the direct supervision and control of the licensed architect by whom the construction documents including drawings and specifications of any such building, enlargement or alteration were prepared.

Nothing in this Act or any other Act shall prevent a licensed ~~registered~~ architect from practicing interior design services. Nothing in this Act shall be construed as requiring the services of an interior designer for

the interior designing of a single family residence.

The involvement of a licensed architect is not required for the following ~~This Act does not apply to any of the following:~~

- (A) The building, remodeling or repairing of any building or other structure outside of the corporate limits of any city or village, where such building or structure is to be, or is used for farm purposes, or for the purposes of outbuildings or auxiliary buildings in connection with such farm premises.
- (B) The construction, remodeling or repairing of a detached single family residence on a single lot.
- (C) The construction, remodeling or repairing of a two-family residence of wood frame construction on a single lot, not more than two stories and basement in height.
- (D) Interior design services for buildings which do not involve life safety or structural changes.

However, when an ordinance of a unit of local government requires the involvement of a licensed architect for any buildings included in the preceding paragraphs (A) through (D), the requirements of this Act shall apply. All ~~all~~ buildings not included in the preceding paragraphs (A) through (D), including multi-family buildings and buildings previously exempt from the involvement of a licensed architect under those paragraphs but subsequently non-exempt due to a change in occupancy or use, are subject to the requirements of this Act. Interior alterations which result in life safety or structural changes of the building are subject to the requirements of this Act.

(Source: P.A. 91-91, eff. 1-1-00; 91-133, eff. 1-1-00; 92-16, eff. 6-28-01.)

(225 ILCS 305/4) (from Ch. 111, par. 1304)

(Section scheduled to be repealed on January 1, 2010)

Sec. 4. Definitions. In this Act:

- (a) "Department" means the Department of Professional Regulation.
- (b) "Director" means the Director of Professional Regulation.
- (c) "Board" means the Illinois Architecture Licensing Board appointed by the Director.
- (d) "Public health" as related to the practice of architecture means the state of the well-being of the body or mind of the building user.
- (e) "Public safety" as related to the practice of architecture means the state of being reasonably free from risk of danger, damage, or injury.
- (f) "Public welfare" as related to the practice of architecture means the well-being of the building user resulting from the state of a physical environment that accommodates human activity.

(Source: P.A. 86-702.)

(225 ILCS 305/13) (from Ch. 111, par. 1313)

(Section scheduled to be repealed on January 1, 2010)

Sec. 13. Qualifications of applicants. Any person who is of good moral character may take an examination for licensure if he or she is a graduate with a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board and has completed such diversified professional training, including academic training, as is required by rules of the Department. Until January 1, 2010, in ~~in~~ lieu of the requirement of graduation with a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board, the Department may admit an applicant who is a graduate with a pre-professional 4 year baccalaureate degree accepted for direct entry into a first professional master of architecture degree program, and who has completed such additional diversified professional training, including academic training, as is required by rules of the Department. The Department may adopt, as its own rules relating to diversified professional training, those guidelines published from time to time by the National Council of Architectural Registration Boards.

Good moral character means such character as will enable a person to discharge the fiduciary duties of an architect to that person's client and to the public in a manner which protects health, safety and welfare. Evidence of inability to discharge such duties may include the commission of an offense justifying discipline under Section 19. In addition, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act.

(Source: P.A. 91-133, eff. 1-1-00.)

(225 ILCS 305/36) (from Ch. 111, par. 1336)

(Section scheduled to be repealed on January 1, 2010)

Sec. 36. Violations. Each of the following Acts constitutes a Class A misdemeanor for the first offense and a Class 4 felony for a second or subsequent offense:

(a) the practice, attempt to practice or offer to practice architecture, or the advertising or putting out of any sign or card or other device which might indicate to the public that the person is entitled to practice architecture, without a license as a licensed architect, or registration as a professional design firm issued by the Department. Each day of practicing architecture or attempting to practice architecture, and each instance of offering to practice architecture, without a license as a licensed architect or registration as a professional design firm constitutes a separate offense;

(b) the making of any wilfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act;

(c) the affixing of a licensed architect's seal to any construction documents which have not been prepared by that architect or under the architect's direct supervision and control;

(d) the violation of any provision of this Act or its rules;

(e) using or attempting to use an expired, inactive, suspended, or revoked license, or the certificate or seal of another, or impersonating another licensee;

(f) obtaining or attempting to obtain a license or registration by fraud; or

(g) If any person, sole proprietorship, professional service corporation, limited liability company, corporation or partnership, or other entity practices architecture or advertises or displays any sign or card or other device that might indicate to the public that the person or entity is entitled to practice as an architect or use the title "architect" or any of its derivations unless the person or other entity holds an active license as an architect or registration as a professional design firm in the State; then, in addition to any other penalty provided by law any person or other entity who violates this subsection (g) shall forfeit and pay to the Design Professionals Administration and Investigation Fund a civil penalty in an amount determined by the Department of not more than \$5,000 for each offense.

An unlicensed person who has completed the education requirements, is actively participating in the diversified professional training, and maintains in good standing a training record as required for licensure by this Act may use the title "architectural intern", but may not engage in the practice of architecture.

(Source: P.A. 88-428.)"

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 4883. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Reitz offered the following amendment and moved its adoption.

AMENDMENT NO. 1 . Amend House Bill 4883 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Truth in Employment Act.

Section 3. Purpose. This Act is intended to address the practice of misclassifying employees as independent contractors.

Section 5. Definition. As used in this Act, "contractor" means any person who, in any capacity other than as the employee of another for wages as the sole compensation, undertakes to construct, alter, repair, move, wreck, or demolish any fixture or structure. "Contractor" includes a subcontractor, but does not include a person who furnishes only materials or supplies.

Section 10. Filing by contractors.

(a) A contractor for whom a person is performing work and is classified as an independent contractor with respect to that work must file with the Department of Revenue a statement regarding that person, together with a \$5 filing fee. The Department of Revenue shall adopt rules concerning the form, contents, and filing of the statement. The statement shall include: the name and address of the contractor and the person performing the work; the name and address of the general contractor (if the general contractor is not the contractor for whom the person is performing the work); and any other information required by the Department of Revenue. A separate statement shall be filed by the contractor for each calendar year during which the worker performs work for the contractor. The statement shall be filed no later than the first date of the calendar year on which the worker performs work for the contractor.

(b) A contractor that is required to file a statement under subsection (a) and does not file the statement as

required under subsection (a) shall pay a \$10 penalty in addition to the \$5 filing fee.

Section 15. Notice.

(a) The Department of Revenue, the Department of Employment Security, and the Industrial Commission shall post a summary of the requirements of this Act on their web sites.

(b) The Department of Revenue shall post a summary of the requirements of this Act on bulletin boards in each office of the Department.

(c) A contractor for whom one or more persons classified as independent contractors are performing work shall post and keep posted, in conspicuous places on each job site where those persons work and in each of its offices, a notice, prepared by the Department of Revenue, summarizing the requirements of this Act. The Department of Revenue shall furnish copies of summaries to contractors upon request without charge.

Section 20. Investigations.

(a) The Department of Revenue shall commence an investigation if it finds, based on statements filed under this Act or other information supplied to the Department or otherwise obtained by the Department, that there is reason to suspect that a contractor has misclassified one or more employees as independent contractors.

(b) The Department of Revenue shall hire as many investigators as may be necessary to carry out the purposes of this Act.

Section 25. Misclassification of employees as independent contractors.

(a) If a contractor is a successful bidder for a construction project and knowingly or intentionally misclassifies one or more of its employees as independent contractors, the contractor is liable to an unsuccessful bidder, or an entity contracting with an unsuccessful bidder (including, but not limited to, a labor organization), for damages suffered by the unsuccessful bidder or entity as a result of the unsuccessful bidder's competitive bid for the construction project not being accepted due to the successful bidder's knowing or intentional misclassification of its employees as independent contractors.

(b) If, upon completion of an investigation commenced pursuant to subsection (a) of Section 20 of this Act, the Department of Revenue determines that a contractor has knowingly or intentionally misclassified one or more of its employees as independent contractors on a construction project:

(1) the Department may: (i) direct the employer to cease its operations; (ii) direct the employer to pay \$250 for each day during which the violation continues; (iii) direct the employer to pay \$500 for each day during which a second or subsequent violation occurs that involves different employees than those involved in an earlier violation by that employer; and (iv) require the employer to continue to pay, for 10 days, employees affected by the determination;

(2) no licenses or permits of any kind may be issued to the employer by any State agency or officer or any unit of local government nor may any such licenses or permits be renewed by any State agency or officer or any unit of local government until the Department determines that an employer has cured the misclassification; and

(3) no State agency or officer may enter into any contracts with the employer until 2 years have elapsed since the Department has determined that an employer has cured the misclassification.

(c) A contractor that knowingly or intentionally misclassifies one or more of its employees as independent contractors on a construction project commits a Class C misdemeanor. A contractor that commits a second or subsequent violation commits a Class 4 felony if the second or subsequent violation involves different employees than those involved in an earlier violation.

Section 30. Attorney General; State's Attorneys. Criminal violations of this Act shall be prosecuted by the Attorney General or the appropriate State's Attorney. The Department of Revenue shall refer matters to the Attorney General and the appropriate State's Attorney upon determining that a criminal violation may have occurred.

Section 35. Truth in Employment Fund. The Truth in Employment Fund is created as a special fund in the State treasury. All fees and penalties received by the Department of Revenue under this Act shall be deposited into the Fund. Moneys in the Fund shall be used, subject to appropriation by the General Assembly, by the Department of Revenue for administration, investigation, and other expenses incurred in carrying out its powers and duties under this Act. Any moneys in the Fund at the end of a fiscal year in excess of a \$1,000,000 reserve shall be transferred to the General Revenue Fund.

Section 40. Rulemaking. In addition to any rulemaking required by any other provision of this Act, the Department of Revenue may adopt reasonable rules to implement and administer this Act.

Section 45. Judicial review. A final administrative decision of the Department of Revenue under this Act

is subject to judicial review under the Administrative Review Law.

Section 50. No waivers.

(a) There shall be no waiver of any provision of this Act.

(b) It is a Class C misdemeanor for a contractor to attempt to induce any individual to waive any provision of this Act.

Section 85. The Department of Employment Security Law of the Civil Administrative Code of Illinois is amended by adding Section 1005-160 as follows:

(20 ILCS 1005/1005-160 new)

Sec. 1005-160. Misclassification of employees as independent contractors. The Department shall cooperate with the Department of Revenue under the Truth in Employment Act by providing information to the Department of Revenue concerning any suspected misclassification by a contractor of one or more of its employees as independent contractors.

Section 90. The State Finance Act is amended by adding Section 5.625 as follows:

(30 ILCS 105/5.625 new)

Sec. 5.625. The Truth in Employment Fund.

Section 95. The Workers' Compensation Act is amended by adding Section 26.1 as follows:

(820 ILCS 305/26.1 new)

Sec. 26.1. Misclassification of employees as independent contractors. The Commission shall cooperate with the Department of Revenue under the Truth in Employment Act by providing information to the Department of Revenue concerning any suspected misclassification by a contractor of one or more of its employees as independent contractors.

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

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.

RECALL

By unanimous consent, on motion of Representative Froehlich, HOUSE BILL 6220 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 6866. Having been read by title a second time on March 31, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Richard Bradley offered the following amendment and moved its adoption.

AMENDMENT NO. 1 . Amend House Bill 6866 on page 16, after line 21, by inserting the following:

"Section 80. For and in consideration of an Intergovernmental Agreement between the Illinois Department of Transportation and Metro (Bi-State Development Agency) and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in St. Clair County, Illinois:

Parcel No. 800XB36

From the center of Section 25, Township 2 North, Range 9 West of the Third Principal Meridian, measure South 00 degrees East, 723.5 feet to a point; thence North 27 degrees 28 minutes West, 1,101.1 feet to a point, thence North 28 degrees 17 minutes West, 26.2 feet to the Point of Beginning.

Description of Tract:

From said Point of Beginning; thence North 58 degrees 22 minutes West, 51.3 feet to a point in the north right of way line of the St. Louis & O'Fallon Railroad; thence North 27 degrees 30 minutes West along said right of way line, 262.6 feet to a point; thence around a curve to the left, following said right of way line of radius 3,877 feet, a distance of 705 feet to a point; thence South 73 degrees 31 minutes East, 135.6 feet to a

point; thence around a curve to the right of radius 3,951.4 feet tangent to a line whose bearing is South 37 degrees 20 minutes East, 617.5 feet to a point; thence South 28 degrees 17 minutes East, 406.7 feet to a point; thence North 58 degrees 22 minutes West, 86.3 feet to the Point of Beginning. Said tract being a portion of the Southeast Quarter of the Northwest Quarter of Section 25, Township 2 North, Range 9 West of the Third Principal Meridian. Containing 1 and 70/100 acre, more or less, situated in the County of St. Clair and State of Illinois.

Section 85. Upon the payment of the sum of \$6,500.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Ford County, Illinois:

Parcel No. 3LR0085

A part of the Southeast Quarter of Section 11, Township 23 North, Range 7 East of the Third Principal Meridian, Gibson City, Ford County, Illinois, more particularly described as follows, with assumed bearings given for description purposes only:

Commencing at the southwest corner of the Southeast Quarter of Section 11; thence South 89 degrees 59 minutes 13 seconds East, 190.57 feet on the south line of said Southeast Quarter of Section 11; thence North 00 degrees 04 minutes 08 seconds East, 80.99 feet to the Point of Beginning, said point being 78.0 feet right of centerline Station 749+00 on Illinois Route 9; thence North 89 degrees 55 minutes 52 seconds West, 90.76 feet parallel with said centerline of Illinois Route 9 to a point 78.0 feet right of centerline Station 749+90.76 on Illinois Route 9; thence North 45 degrees 01 minute 31 seconds West, 42.50 feet to a point 70.0 feet right of centerline Station 751+98.27 on Sangamon Street; thence North 00 degrees 07 minutes 11 seconds West, 101.73 feet parallel with the centerline of said Sangamon Street to a point 70.0 feet right of centerline Station 753+00 on Sangamon Street; thence South 42 degrees 32 minutes 42 seconds East, 179.00 feet to the Point of Beginning, containing 7,504 square feet, more or less.

Section 90. Upon the payment of the sum of \$12,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Macon County, Illinois, to Ralph L. Bledsaw Jr.

Parcel No. 5X02003

Part of Lot 5 of a survey for Jerome Edward Montgomery in the Southeast Quarter of the Southeast Quarter of Section 34, Township 17 North, Range 2 East of the Third Principal Meridian, as per plat recorded in Book 335 on Page 216, in the Recorder's Office of Macon County, in the State of Illinois, described as follows:

Beginning at the southwest corner of Lot B of a re-survey of a part of Lot 5 of a survey for Jerome Edward Montgomery in the Southeast Quarter of the Southeast Quarter of said Section 34, recorded in Book 1270 on Page 49 in the Macon County Recorder's Office, said point being on the existing easterly right of way line of SBI Rte. 2 (US 51 South); thence South 89 degrees 53 minutes 39 seconds West (Bearings are Assumed) 30.18 feet along the south line of said Lot 5; thence northeasterly 202.77 feet along a curve to the right being concentric with and 50.00 feet easterly of the centerline of SBI Rte. 2 (US 51 South), said curve having a radius of 1857.83 feet, the chord of said curve bears North 9 degrees 12 minutes 09 seconds East 202.67 feet, to the north line of said Lot 5; thence North 89 degrees 53 minutes 39 seconds East 30.73 feet, to the existing easterly right of way line of SBI Rte. 2 (US 51 South); thence southwesterly 202.86 feet along said right of way line being a curve to the left, and being concentric with and 80.00 feet easterly of the centerline of SBI Rte. 2 (US 51 South), said curve having a radius of 1827.83 feet, the chord of said curve bears South 9 degrees 21 minutes 25 seconds West 202.76 feet, to the Point of Beginning, containing 6084 square feet, more or less."; and on page 28, by replacing lines 1 through 32 with the following:

"Section 925. (a) The Director of the Department of Natural Resources, on behalf of the State of Illinois, for the purpose of securing access to State owned property, over and across a former mine haul road owned by Consolidation Coal Company, a Delaware Corporation, and for the purpose of providing improved land management boundaries for both parties, is authorized to exchange certain real property in Perry County, Illinois, hereinafter referred to as Parcel A, for certain real property in said County owned by said Consolidation Coal Company, its successors and assigns, hereinafter referred to as Parcel B, such Parcels being described as follows, to wit:

Parcel A:

A parcel of land being a part of the Northwest Quarter of the Southwest Quarter, a part of the Northeast Quarter of the Southwest Quarter, and a part of the Northwest Quarter of the Southeast

Quarter of Section 1, Township 6 South, Range 4 West of the Third Principal Meridian, being more particularly described as follows:

Beginning at an iron rod set at the Southwest corner of said Northwest Quarter of the Southwest Quarter; thence N 00°45'24" E along the West line of said Northwest Quarter of the Southwest Quarter, 109.00 feet to an iron rod set; thence N 89°41'30" E along the North line of the South 109 feet of said Northwest Quarter of the Southwest Quarter, 1322.99 feet to an iron rod set in the West line of said Northeast Quarter of the Southwest Quarter; thence N 00°40'52" E along the West line of said Northeast Quarter of the Southwest Quarter, 175.00 feet to the Northwest corner of Tract 1 of Parcel 161, as described in that Warranty Deed recorded in Book 591 at Page 79 in the Recorder's Office of Perry County, Illinois; thence N 75°31'43" E along the Northwesterly boundary of said Tract 1 of Parcel 161, 2067.00 feet to an iron rod set; thence N 00°11'45" W along the Northwesterly boundary of said Tract 1 of Parcel 161, 514.08 feet to an iron rod set in the South right-of-way line of Leopard Road; thence along said South right-of-way line and along the Northerly boundary of said Tract 1 of Parcel 161 the following two (2) calls: thence S 67°53'44" E, 366.31 feet to an iron rod set; thence S 65°41'20" E, 231.71 feet to an iron rod found in the West right-of-way line of Panda Bear Road; thence along the West right-of-way line of Panda Bear Road the following four (4) calls: thence S 00°38'52" W, 199.88 feet to an iron rod set; thence along a Curve to the Right, with Chord Bearing S 18°59'14" W 459.71 feet, a Radius of 730.52 feet, an Arc Length of 467.66 feet to an iron rod set; thence along a Curve to the Left, with Chord Bearing S 18°38'40" W 345.17 feet, a Radius of 538.80 feet, an Arc Length of 351.37 feet to an iron rod set; thence S 00°02'16" E, 21.70 feet to an iron rod set in the North right-of-way line of an existing park road; thence along the North right-of-way line of said existing park road the following four (4) calls: thence N 86°26'52" W, 388.54 feet to an iron rod set; thence along a Curve to the Left, with Chord Bearing N 89°26'45" W 508.36 feet, a Radius of 4860.00 feet, an Arc Length of 508.59 feet to an iron rod set; thence S 87°33'23" W, 1002.64 feet to an iron rod set; thence along a Curve to the Left, with Chord Bearing S 84°39'57" W 937.82 feet, a Radius of 8414.38 feet, an Arc Length of 938.31 feet to an iron rod set in the South line of said Northwest Quarter of the Southwest Quarter; thence S 89°41'30" W along the South line of said Northwest Quarter of the Southwest Quarter, 782.94 feet to the Point of Beginning, containing 34.441 acres, more or less, all situated in the County of Perry, State of Illinois.

Parcel B:

The West Half of the Southeast Quarter of the Southeast Quarter of Section 36, Township 5 South, Range 4 West of the Third Principal Meridian, containing 20 acres, more or less, all situated in the County of Perry, State of Illinois.

(b) The Director of the Department of Natural Resources, on behalf of the State of Illinois, for the purpose of clearing title to a Parcel of land now owned by Consolidation Coal Company, a Delaware Corporation, and hereinafter referred to as Parcel 169, which was erroneously included in that Quit-Claim Deed from Ark Land Company to the People of the State of Illinois, recorded 9-28-01 in the Recorder's Office of Perry County, Illinois, in Book 591 at Page 96, and for and in consideration of \$1.00, is authorized to execute and deliver a Quit-Claim Deed for said Parcel 169 to said Consolidation Coal Company, its successors and assigns, said Parcel 169 being described as follows:

Parcel 169:

Commencing at the Northeast corner of the Northwest Quarter of the Southeast Quarter, Section 1, Township 6 South, Range 4 West of the 3rd P.M., Perry County, Illinois, thence Southerly along the East line of said Quarter-Quarter to the Southeast corner of said Quarter-Quarter, thence Westerly along the South line of said Quarter-Quarter to the Southwest corner of said Quarter-Quarter, thence Westerly along the South line of the Northeast Quarter of the Southwest Quarter of said Section 1 to the Southwest corner of the Northeast Quarter of the Southwest Quarter of said Section 1, thence Northerly along the West line of the Northeast Quarter of the Southwest Quarter of said Section 1, 284 feet to the Point of Beginning, thence North 75 degrees East 2067 feet, thence North 441.79 feet, thence N 68°47'06" W, a distance of 94.69 feet; thence S 89°22'52" W, a distance of 1898.27 feet, thence S 00°35'11" W, a distance of 990.58 feet to the point of beginning and being a part of the Northeast Quarter of the Southwest Quarter and a part of the "Northeast Quarter of the Southwest Quarter" (see Note), all in Section 1, Township 6 South, Range 4 West of the 3rd P.M., Perry County, Illinois; except all that part of the Northwest Quarter of the Southeast Quarter lying North of the South right-of-way line of Leopard Road. (Note: The part within quote marks should read "Northwest Quarter of the Southeast Quarter").

(c) The Director of Natural Resources shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, the appropriate Section or Sections containing the land

descriptions of the property to be exchanged or conveyed, and this Section within 60 days after its effective date and, upon receipt of the payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the County in which the land is located."; and on page 29, by deleting lines 1 through 12.

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 BILLS ON THIRD READING CONSIDERATION POSTPONED

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

HOUSE BILL 4265. Having been read by title a third time on March 30, 2004, and further consideration postponed, the same was again taken up.

Representative Poe moved the passage of HOUSE BILL 4265.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 82, Yeas; 35, Nays; 1, Answering Present.

(ROLL CALL 43)

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 BILL 4850. Having been read by title a third time on April 1, 2004, and further consideration postponed, the same was again taken up.

Representative Slone moved the passage of HOUSE BILL 4850.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 64, Yeas; 51, Nays; 3, Answering Present.

(ROLL CALL 44)

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 4949. 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 4949 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Sections 24-1.1, 24-1.6, 24-3, 24-3.1, 24-3.5, 24-3A, 24-5, and 33F-2 as follows:

(720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

Sec. 24-1.1. Unlawful Use or Possession of Weapons by Felons or Persons in the Custody of the Department of Corrections Facilities.

(a) It is unlawful for a person to knowingly possess on or about his person or on his land or in his own abode or fixed place of business any weapon prohibited under Section 24-1 of this Act or any firearm or any firearm ammunition if the person has been convicted of a felony under the laws of this State or any other jurisdiction. This Section shall not apply if the person has been granted relief by the Director of the

Department of State Police under Section 10 of the Firearm Owners Identification Card Act.

(b) It is unlawful for any person confined in a penal institution, which is a facility of the Illinois Department of Corrections, to possess any weapon prohibited under Section 24-1 of this Code or any firearm or firearm ammunition, regardless of the intent with which he possesses it.

(c) It shall be an affirmative defense to a violation of subsection (b), that such possession was specifically authorized by rule, regulation, or directive of the Illinois Department of Corrections or order issued pursuant thereto.

(d) The defense of necessity is not available to a person who is charged with a violation of subsection (b) of this Section.

(e) Sentence. Violation of this Section by a person not confined in a penal institution shall be a Class 3 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to no less than 2 years and no more than 10 years. Violation of this Section by a person not confined in a penal institution who has been convicted of a forcible felony, a felony violation of Article 24 of this Code or of the Firearm Owners Identification Card Act, stalking or aggravated stalking, or a Class 2 or greater felony under the Illinois Controlled Substances Act or the Cannabis Control Act is a Class 2 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 3 years and not more than 14 years. Violation of this Section by a person who is on parole or mandatory supervised release is a Class 2 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 3 years and not more than 14 years. Violation of this Section by a person not confined in a penal institution is a Class X felony when the firearm possessed is a machine gun. Any person who violates this Section while confined in a penal institution, which is a facility of the Illinois Department of Corrections, is guilty of a Class 1 felony, if he possesses any weapon prohibited under Section 24-1 of this Code regardless of the intent with which he possesses it, a Class X felony if he possesses any firearm, firearm ammunition or explosive, and a Class X felony for which the offender shall be sentenced to not less than 12 years and not more than 50 years when the firearm possessed is a machine gun. A violation of this Section while wearing or in possession of body armor as defined in Section 33F-1 is a Class X felony punishable by a term of imprisonment of not less than 10 years and not more than 40 years.

(Source: P.A. 91-544, eff. 1-1-00.)

(720 ILCS 5/24-1.6)

Sec. 24-1.6. Aggravated unlawful use of a weapon.

(a) A person commits the offense of aggravated unlawful use of a weapon when he or she knowingly:

(1) Carries on or about his or her person or in any vehicle or concealed on or about his or her person except when on his or her land or in his or her abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm; or

(2) Carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his or her own land or in his or her own abode or fixed place of business, any pistol, revolver, stun gun or taser or other firearm; and

(3) One of the following factors is present:

(A) the firearm possessed was uncased, loaded and immediately accessible at the time of the offense; or

(B) the firearm possessed was uncased, unloaded and the ammunition for the weapon was immediately accessible at the time of the offense; or

(C) the person possessing the firearm has not been issued a currently valid Firearm Owner's Identification Card; or

(D) the person possessing the weapon was previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a felony; or

(E) the person possessing the weapon was engaged in a misdemeanor violation of the Cannabis Control Act or in a misdemeanor violation of the Illinois Controlled Substances Act; or

(F) the person possessing the weapon is a member of a street gang or is engaged in street gang related activity, as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act; or

(G) the person possessing the weapon had a order of protection issued against him or her within the previous 2 years; or

(H) the person possessing the weapon was engaged in the commission or attempted commission of a misdemeanor involving the use or threat of violence against the person or property of

another; or

(I) the person possessing the weapon was under 21 years of age and in possession of a handgun as defined in Section 24-3, unless the person under 21 is engaged in lawful activities under the Wildlife Code or described in subsection 24-2(b)(1), (b)(3), or 24-2(f).

(b) "Stun gun or taser" as used in this Section has the same definition given to it in Section 24-1 of this Code.

(c) This Section does not apply to or affect the transportation or possession of weapons that:

(i) are broken down in a non-functioning state; or

(ii) are not immediately accessible; or

(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or

other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

(d) Sentence. Aggravated unlawful use of a weapon is a Class 4 felony; a second or subsequent offense is a Class 2 felony. Aggravated unlawful use of a weapon by a person who has been previously convicted of a felony in this State or another jurisdiction is a Class 2 felony. Aggravated unlawful use of a weapon while wearing or in possession of body armor as defined in Section 33F-1 by a person who has not been issued a valid Firearms Owner's Identification Card in accordance with Section 5 of the Firearm Owners Identification Act is a Class X felony.

(Source: P.A. 91-690, eff. 4-13-00.)

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

Sec. 24-3. Unlawful Sale of Firearms.

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

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

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

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

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

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

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

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for its purchase has been made. However, this paragraph (g) does not apply to: (1) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his or her employment as a bank guard, armed truck guard, or other similar employment; (2) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; (3) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of State Police; or (4) the sale of a firearm to a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

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

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

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

A person "engaged in the business" means a person who devotes time, attention, and

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

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

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

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

(C) Sentence.

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

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

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

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

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

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

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

(D) For purposes of this Section:

"School" means a public or private elementary or secondary school, community college, college, or university.

"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

(E) A prosecution for a violation of paragraph (k) of subsection (A) of this Section may be commenced within 10 years after the commission of the offense. A prosecution for a violation of this Section other than paragraph (g) of subsection (A) of this Section may be commenced within 5 years after the commission of the offense defined in the particular paragraph.

(Source: P.A. 93-162, eff. 7-10-03.)

(720 ILCS 5/24-3.5)

Sec. 24-3.5. Unlawful purchase of a firearm.

(a) For purposes of this Section, "firearms transaction record form" means a form:

(1) executed by a transferee of a firearm stating: (i) the transferee's name and address (including county or similar political subdivision); (ii) whether the transferee is a citizen of the United States; (iii) the transferee's State of residence; and (iv) the date and place of birth, height, weight, and race of the transferee; and

(2) on which the transferee certifies that he or she is not prohibited by federal law from transporting or shipping a firearm in interstate or foreign commerce or receiving a firearm that has been shipped or transported in interstate or foreign commerce or possessing a firearm in or affecting commerce.

(b) A person commits the offense of unlawful purchase of a firearm who knowingly purchases or attempts to purchase a firearm with the intent to deliver that firearm to another person who is prohibited by federal or State law from possessing a firearm.

(c) A person commits the offense of unlawful purchase of a firearm when he or she, in purchasing or attempting to purchase a firearm, intentionally provides false or misleading information on a United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms firearms transaction record form.

(d) Exemption. It is not a violation of subsection (b) of this Section for a person to make a gift or loan of a firearm to a person who is not prohibited by federal or State law from possessing a firearm if the transfer of the firearm is made in accordance with Section 3 of the Firearm Owners Identification Card Act.

(e) Sentence.

(1) A person who commits the offense of unlawful purchase of a firearm:

(A) is guilty of a Class 4 felony for purchasing or attempting to purchase one firearm;

(B) is guilty of a Class 3 felony for purchasing or attempting to purchase not less than 2 firearms and not more than 5 firearms at the same time or within a one year period;

(C) is guilty of a Class 2 felony for purchasing or attempting to purchase not less than 6 firearms and not more than 10 firearms at the same time or within a 2 year period;

(D) is guilty of a Class 1 felony for purchasing or attempting to purchase not less than 11 firearms and not more than 20 firearms at the same time or within a 3 year period;

(E) is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years for purchasing or attempting to purchase not less than 21 firearms and not more than 30 firearms at the same time or within a 4 year period;

(F) is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 40 years for purchasing or attempting to purchase not less than 31 firearms and not more than 40 firearms at the same time or within a 5 year period;

(G) is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 50 years for purchasing or attempting to purchase more than 40 firearms at the same time or within a 6 year period.

(2) In addition to any other penalty that may be imposed for a violation of this Section, the court may sentence a person convicted of a violation of subsection (c) of this Section to a fine not to exceed \$250,000 for each violation.

(f) A prosecution for unlawful purchase of a firearm may be commenced within 10 years after the

commission of the offense.

(Source: P.A. 93-451, eff. 8-7-03.)

(720 ILCS 5/24-3A)

Sec. 24-3A. Gunrunning.

(a) A person commits gunrunning when he or she transfers 3 or more firearms in violation of any of the paragraphs of Section 24-3 of this Code.

(b) Sentence. A person who commits gunrunning:

(1) is guilty of a Class 1 felony;

(2) is guilty of a Class X felony for which the sentence shall be a term of imprisonment of not less 8 years and not more than 40 years if the transfer is of not less than 11 firearms and not more than 20 firearms;

(3) is guilty of a Class X felony for which the sentence shall be a term of imprisonment of not less than 10 years and not more than 50 years if the transfer is of more than 20 firearms.

A person who commits gunrunning by transferring firearms to a person who, at the time of the commission of the offense, is under 18 years of age is guilty of a Class X felony.

(Source: P.A. 91-13, eff. 1-1-00; 91-696, eff. 4-13-00.)

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

Sec. 24-5. Defacing identification marks of firearms.

(a) Any person who shall knowingly or intentionally change, alter, remove or obliterate the name of the importer's or manufacturer's serial number maker, model, manufacturer's number or other mark of identification of any firearm commits a Class 2 felony.

(b) A person who possesses ~~Possession of~~ any firearm upon which any such importer's or manufacturer's serial number has ~~mark shall have~~ been changed, altered, removed or obliterated commits a Class 3 felony ~~shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.~~

(c) Nothing in this Section shall prevent a person from making repairs, replacement of parts, or other changes to a firearm if those repairs, replacement of parts, or changes cause the removal of the name of the maker, model, or other marks of identification other than the serial number on the firearm's frame or receiver.

(d) A prosecution for a violation of this Section may be commenced within 10 years after the commission of the offense.

(Source: P.A. 91-696, eff. 4-13-00.)

(720 ILCS 5/33F-2) (from Ch. 38, par. 33F-2)

Sec. 33F-2. Unlawful use of body armor. A person commits the offense of unlawful use of body armor when he knowingly wears body armor and is in possession of a dangerous weapon, other than a firearm, in the commission or attempted commission of any offense.

(Source: P.A. 87-521.)

Section 10. The Marks and Serial Numbers Act is amended by changing Section 1 as follows:

(720 ILCS 335/1) (from Ch. 121 1/2, par. 157.13)

Sec. 1. Any person who removes, alters, defaces, covers or destroys the manufacturers' serial number or any other manufacturers' number or distinguishing identification mark upon any machine or other article of merchandise, other than a motor vehicle as defined in Section 1-146 of the Illinois Vehicle Code or a firearm as defined in the Firearm Owners Identification Card Act, for the purpose of concealing or destroying the identity of such machine or other article of merchandise shall be guilty of a Class B misdemeanor.

(Source: P.A. 78-255.)

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.

RESOLUTION

Having been reported out of the Committee on Rules earlier today, HOUSE RESOLUTION 793 was taken up for consideration.

Representative Franks moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

RECALL

By unanimous consent, on motion of Representative Collins, HOUSE BILL 4650 was recalled from the order of Third Reading to the order of Second Reading for the purpose of amendment.

And the bill was again taken up on the order of Second Reading.

On the Motion of Representative Collins, Amendment No. 1 was ordered to lie on the table.

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

RESOLUTION

Having been reported out of the Committee on Human Services on March 4, 2004, HOUSE RESOLUTION 713 was taken up for consideration.

Representative Flowers moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

At the hour of 6:15 o'clock p.m., Representative Currie moved that the House do now adjourn until Friday, April 2, 2004, at 10:00 o'clock a.m.

The motion prevailed.

And the House stood adjourned.

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL CALL FOR ATTENDANCE

April 01, 2004

0 YEAS

0 NAYS

118 PRESENT

P Acevedo	P Delgado	P Kurtz	P Phelps
P Aguilar	P Dugan	P 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	P Fritchey	P McAuliffe	P Saviano
P Bost	P Froehlich	P McCarthy	P Schmitz
P Bradley, John	P 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
P 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	P Osterman	P Mr. Speaker
P Davis, Steve	P 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 6806
 INC TX-DEDUCT-LIVE ORGAN DONOR
 THIRD READING
 PASSED

April 01, 2004

113 YEAS

2 NAYS

3 PRESENT

Y Acevedo	P Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y 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	P 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	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y 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
Y 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	N Molaro	Y Verschoore
P 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
N Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 4108
ADDISON CR. WATERSHD AUTH-TECH
THIRD READING
PASSED

April 01, 2004

108 YEAS

9 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
N Bassi	Y Dunn	Y Lindner	N 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
N Black	N Franks	Y May	N Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y 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
Y Burke	Y Hamos	Y Millner	Y 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	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
A 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	Y Osterman	Y Mr. Speaker
Y Davis, Steve	N 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 4432
RESTRICTED CALL REGISTRY-DEFS
THIRD READING
PASSED

April 01, 2004

78 YEAS

40 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	N Phelps
Y Aguilar	N Dugan	Y Lang	N Pihos
Y Bailey	Y Dunkin	N Leitch	N Poe
N Bassi	Y Dunn	Y Lindner	N Pritchard
Y Beaubien	N Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	N Flider	Y Mathias	N Rose
Y Biggins	Y Flowers	Y Mautino	N Ryg
N Black	N Franks	N May	N Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
N Bost	Y Froehlich	Y McCarthy	Y Schmitz
N Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	N Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
N Brauer	Y Granberg	Y Meyer	N Sommer
Y Brosnahan	N Grunloh	Y Miller	Y Soto
Y 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	N Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	N Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y 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	N Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	N Kosel	Y Pankau	
Y Davis, William	Y Krause	N Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 6750
 HOSPICE PROGRAM-MEDICARE STDS
 THIRD READING
 PASSED

April 01, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y 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	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y 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
Y 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	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 4594
 TRUSTS/TRUSTEES-INTERVIVOS
 THIRD READING
 PASSED

April 01, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y 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	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y 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
Y 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	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 4652
 ELEC FUND TRANSFER-LIABILITY
 THIRD READING
 PASSED

April 01, 2004

115 YEAS

0 NAYS

3 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y 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	P Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	P 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
Y 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	Y Osterman	P Mr. Speaker
Y Davis, Steve	Y 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 4977
 TAXPAYER RIGHTS-POST AUDIT
 THIRD READING
 PASSED

April 01, 2004

67 YEAS

48 NAYS

3 PRESENT

N Acevedo	N Delgado	N Kurtz	N Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	N Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	N Reitz
Y Bellock	N Feigenholtz	N Lyons, Joseph	N Rita
N Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	N Flowers	Y Mautino	N Ryg
Y Black	Y Franks	N May	N Sacia
Y Boland	N Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	N McCarthy	Y Schmitz
N Bradley, John	N Giles	N McGuire	Y Scully
N Bradley, Richard	Y Gordon	N McKeon	Y Slone
Y Brady	N Graham	N Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
N Brosnahan	N Grunloh	N Miller	N Soto
N Burke	N Hamos	Y Millner	N Stephens
Y Capparelli	N Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	N Hoffman	Y Moffitt	N Turner
N Collins	Y Holbrook	Y Molaro	N Verschoore
N Colvin	Y Howard	P Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	N Washington
Y Cross	N Jakobsson	Y Munson	Y Watson
Y Cultra	N Jefferson	Y Myers	Y Winters
N Currie	Y Jones	N Nekritz	N Yarbrough
Y Daniels	N Joyce	Y Osmond	N Younge
N Davis, Monique	N Kelly	N Osterman	N Mr. Speaker
P Davis, Steve	Y Kosel	Y Pankau	
P Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4055
LIQ CNTRL-CNSRV DIST PROP-SELL
THIRD READING
PASSED

April 01, 2004

84 YEAS

34 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	N Phelps
Y Aguilar	N Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	N Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	N Flider	N Mathias	N Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	N Franks	N May	N Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	N Froehlich	Y McCarthy	N Schmitz
N Bradley, John	Y 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	N Miller	Y Soto
Y 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
N Churchill	Y Hoffman	N Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	N Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
N Coulson	N Hultgren	Y Mulligan	Y Washington
Y Cross	N Jakobsson	N Munson	N Watson
N Cultra	N Jefferson	N Myers	Y Winters
Y Currie	Y Jones	N Nekritz	Y Yarbrough
Y Daniels	N Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	N Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 6992
 ELIMINATE DIGITAL DIVIDE LAW
 THIRD READING
 PASSED

April 01, 2004

116 YEAS

0 NAYS

1 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y 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	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y 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
Y 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
A 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	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	P Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 6552
 PHYSICIANS-LOAN REPAY ASSIST
 THIRD READING
 PASSED

April 01, 2004

97 YEAS

10 NAYS

11 PRESENT

Y Acevedo	P Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	N Lang	Y Pihos
Y Bailey	P 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	P Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	N McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	N McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
N Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	P Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
N Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	P Turner
Y Collins	Y Holbrook	Y Molaro	N Verschoore
N Colvin	P Howard	P Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	P Jefferson	Y Myers	Y Winters
N Currie	P Jones	Y Nekritz	N Yarbrough
Y Daniels	P Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	N Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
P Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4337
 VEHICLE CD-DEFENSIVE DRIVING
 THIRD READING
 PASSED

April 01, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y 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	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y 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
Y 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	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 6951
CHILDRENS CAMP-BACKGRND CHECK
THIRD READING
PASSED

April 01, 2004

112 YEAS

3 NAYS

2 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	N 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
A Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	P Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	N Schmitz
Y Bradley, John	Y 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
Y 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	N 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	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	P Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3975
 TANF-NUTRITION GUIDELINES
 THIRD READING
 PASSED

April 01, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y 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	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y 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
Y 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	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 6760
 PROP TAX-RELIGIOUS EXEMPTION
 THIRD READING
 PASSED

April 01, 2004

76 YEAS

34 NAYS

8 PRESENT

Y Acevedo	P Delgado	N Kurtz	N Phelps
N Aguilar	N Dugan	N Lang	Y Pihos
P 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	P Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	N Flider	N Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	N Ryg
Y Black	N Franks	N May	Y Sacia
N Boland	N Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
N Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	N Gordon	P McKeon	N Slone
Y Brady	Y Graham	Y Mendoza	N Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	N Grunloh	N Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	Y Sullivan
N Chapa LaVia	Y Hassert	Y Mitchell, Jerry	N Tenhouse
Y Churchill	Y Hoffman	N Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	N Verschoore
P Colvin	N Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	N Mulligan	N Washington
Y Cross	N Jakobsson	N Munson	Y Watson
Y Cultra	N Jefferson	N Myers	Y Winters
Y Currie	Y Jones	N Nekritz	P Yarbrough
Y Daniels	N Joyce	Y Osmond	Y Younge
N Davis, Monique	Y Kelly	P Osterman	P Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	N Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 7030
NURSING SCHOLARSHIPS
THIRD READING
PASSED

April 01, 2004

116 YEAS

0 NAYS

2 PRESENT

Y Acevedo	P Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y 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	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y 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	P Soto
Y 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	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 6229
TRANSPORTATION-TECH
THIRD READING
PASSED

April 01, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y 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	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y 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
Y 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	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 4426
 ARSONIST REGISTRATION ACT
 THIRD READING
 PASSED

April 01, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y 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	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y 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
Y 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	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 4532
 SOUTHERN IL ECON DEV AUTHORITY
 THIRD READING
 PASSED

April 01, 2004

63 YEAS

41 NAYS

14 PRESENT

Y Acevedo	Y Delgado	P Kurtz	Y Phelps
N Aguilar	Y Dugan	Y Lang	N Pihos
P Bailey	Y Dunkin	N Leitch	N Poe
N Bassi	N Dunn	N Lindner	N Pritchard
N Beaubien	Y Eddy	P Lyons, Eileen	Y Reitz
N Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	N Mathias	Y Rose
N Biggins	Y Flowers	Y Mautino	Y Ryg
P Black	N Franks	Y May	N Sacia
Y Boland	Y Fritchey	N McAuliffe	N Saviano
P Bost	P Froehlich	Y McCarthy	N Schmitz
Y Bradley, John	P Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
N Brady	Y Graham	Y Mendoza	Y Smith
N Brauer	Y Granberg	N Meyer	N Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	P Hamos	N Millner	Y Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	N Sullivan
N Chapa LaVia	P Hassert	Y Mitchell, Jerry	N Tenhouse
N Churchill	Y Hoffman	N Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
P Colvin	Y Howard	Y Morrow	N Wait
P Coulson	N Hultgren	N Mulligan	Y Washington
P Cross	Y Jakobsson	N Munson	N Watson
N Cultra	Y Jefferson	N Myers	N Winters
Y Currie	Y Jones	Y Nekritz	P Yarbrough
N Daniels	Y Joyce	N Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	N Kosel	P Pankau	
Y Davis, William	N Krause	N Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 5094
 EPA-CONSTRUCTION PERMITS
 THIRD READING
 PASSED

April 01, 2004

93 YEAS

24 NAYS

0 PRESENT

Y Acevedo	Y Delgado	N Kurtz	N Phelps
Y Aguilar	N Dugan	A 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	N Flider	Y Mathias	N Rose
Y Biggins	Y Flowers	Y Mautino	N Ryg
Y Black	N Franks	N May	Y Sacia
N Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
N Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	N Gordon	Y McKeon	Y Slone
N Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	N Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	N Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	Y Sullivan
N Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y 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	Y Hultgren	Y Mulligan	Y Washington
Y Cross	N Jakobsson	Y Munson	Y Watson
Y Cultra	N Jefferson	N Myers	Y Winters
Y Currie	Y Jones	N Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 4200
GENETIC COUNSELOR LIC ACT
THIRD READING
PASSED

April 01, 2004

94 YEAS

23 NAYS

1 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	N Phelps
Y Aguilar	N Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
N Bassi	Y Dunn	Y Lindner	N Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	N Flider	Y Mathias	N Rose
Y Biggins	Y Flowers	Y Mautino	N Ryg
P Black	N Franks	N May	N Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	N Schmitz
N Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	N Gordon	Y McKeon	Y Slone
N Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	N Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y 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	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	N Washington
Y Cross	N Jakobsson	Y Munson	N Watson
Y Cultra	N Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	N Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 5734
 MUNICIPAL GOVERNMENT-TECH
 THIRD READING
 PASSED

April 01, 2004

116 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y 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	Y 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
Y 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	A 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	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 5928
INS-POLICYHOLDER COLLATERAL
THIRD READING
PASSED

April 01, 2004

95 YEAS

22 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	N Phelps
Y Aguilar	N Dugan	Y 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	N Flider	Y Mathias	N Rose
Y Biggins	Y Flowers	Y Mautino	N Ryg
Y Black	N Franks	N May	Y Sacia
N Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
N Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	N Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
N Brauer	Y Granberg	A Meyer	Y Sommer
Y Brosnahan	N Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	Y Sullivan
N Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	N Verschoore
Y Colvin	N Howard	Y Morrow	Y Wait
N Coulson	Y Hultgren	Y Mulligan	N Washington
Y Cross	N Jakobsson	N Munson	Y Watson
Y Cultra	N Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	N Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 3883
 ACCOUNTING-BOARD
 THIRD READING
 PASSED

April 01, 2004

83 YEAS

35 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	N Phelps
N Aguilar	N Dugan	Y Lang	N Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	N Pritchard
Y Beaubien	N Eddy	Y Lyons, Eileen	Y Reitz
N Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	N Flider	Y Mathias	N Rose
N Biggins	Y Flowers	Y Mautino	N Ryg
Y Black	N Franks	N May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
N Bradley, John	Y 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
Y Burke	Y Hamos	Y Millner	N Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	N Sullivan
N Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
N Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	N Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
N Coulson	Y Hultgren	Y Mulligan	Y 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
N Daniels	N Joyce	N Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 6654
LIQ CNTRL-LICENSE REVOCATION
THIRD READING
PASSED

April 01, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y 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	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y 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
Y 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	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 3830
 FUND TRANSFER-NOTIFY EC & FISC
 THIRD READING
 PASSED

April 01, 2004

117 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y 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	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y 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
Y 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	A 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	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 3918
DPT VET AFF-VET ORGANIZATIONS
THIRD READING
PASSED

April 01, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y 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	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y 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
Y 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	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 6583
 CNTY CD-TIF EXTEND
 THIRD READING
 PASSED

April 01, 2004

93 YEAS

24 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	N Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	N 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	N Ryg
Y Black	N Franks	N May	Y Sacia
N Boland	N Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
N Bradley, John	Y 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	Y Sommer
Y Brosnahan	N Grunloh	N Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	Y Sullivan
N Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	A Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	N Verschoore
Y Colvin	N Howard	Y Morrow	Y Wait
N Coulson	Y Hultgren	Y Mulligan	N Washington
Y Cross	N Jakobsson	N Munson	Y Watson
Y Cultra	N Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	N Nekritz	Y Yarbrough
Y Daniels	N Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	N Krause	N Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5415
CRIMINAL LAW-TECH
THIRD READING
PASSED

April 01, 2004

71 YEAS

47 NAYS

0 PRESENT

Y Acevedo	Y Delgado	N Kurtz	Y Phelps
N Aguilar	Y Dugan	Y Lang	N Pihos
Y Bailey	Y Dunkin	Y Leitch	Y 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	Y Flider	N Mathias	N Rose
N Biggins	Y Flowers	Y Mautino	Y Ryg
N Black	N Franks	Y May	N Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
N Bost	N Froehlich	Y McCarthy	N Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	N Gordon	Y McKeon	Y Slone
N Brady	Y Graham	Y Mendoza	Y Smith
N Brauer	Y Granberg	N Meyer	N Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	N Hamos	Y Millner	N Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	N Sullivan
N Chapa LaVia	N Hassert	Y Mitchell, Jerry	N Tenhouse
N Churchill	Y Hoffman	N Moffitt	Y Turner
Y Collins	N Holbrook	Y Molaro	N Verschoore
Y Colvin	Y Howard	Y Morrow	N Wait
Y Coulson	N Hultgren	Y Mulligan	Y Washington
N Cross	Y Jakobsson	Y Munson	N Watson
N Cultra	Y Jefferson	N Myers	N Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
N Daniels	Y Joyce	N Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	N Kosel	N Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5884
MWRD-STORMWATER MGMT
THIRD READING
PASSED

April 01, 2004

63 YEAS

54 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	N Phelps
N Aguilar	N Dugan	Y Lang	N Pihos
Y Bailey	Y Dunkin	Y 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
Y Black	N Franks	N May	N Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
N Bost	Y Froehlich	Y McCarthy	N Schmitz
N Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	N Gordon	N McKeon	Y Slone
N Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	N Meyer	N Sommer
Y Brosnahan	N Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	N Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	N Sullivan
N Chapa LaVia	N Hassert	A Mitchell, Jerry	N Tenhouse
N Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	N Verschoore
Y Colvin	Y Howard	Y Morrow	N Wait
N Coulson	N Hultgren	Y Mulligan	Y Washington
N Cross	N Jakobsson	N Munson	N Watson
N Cultra	N Jefferson	N Myers	N Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
N Daniels	Y Joyce	N Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	N 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 4510
 PROP TX/UNIV BD-GOVT EMPLOYEE
 THIRD READING
 PASSED

April 01, 2004

112 YEAS

4 NAYS

2 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y 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	P Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y 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
Y 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
N Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	N Jakobsson	N Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	N Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	P Mr. Speaker
Y Davis, Steve	Y 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 7015
 WORK ZONE OFFENSE-PENALTY
 THIRD READING
 PASSED

April 01, 2004

113 YEAS

2 NAYS

3 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	N Dunkin	Y Leitch	Y Poe
Y Bassi	N 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	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y 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
Y 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	P Jefferson	Y Myers	Y Winters
Y Currie	P Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
P Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 5735
 MUNICIPAL GOVERNMENT-TECH
 THIRD READING
 PASSED

April 01, 2004

112 YEAS

6 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
N Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	N 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	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y 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
Y 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
N 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	Y Osterman	Y Mr. Speaker
Y Davis, Steve	N 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 4958
 FIRE PROT DIST-BD MEMBERS
 THIRD READING
 PASSED

April 01, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y 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	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y 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
Y 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	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 5340
 VEH CD-RAILROAD SAFETY-TECH
 THIRD READING
 PASSED

April 01, 2004

117 YEAS

0 NAYS

1 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y 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	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	P Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y 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	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 4827
 MENTAL HEALTH COURT FEES
 THIRD READING
 PASSED

April 01, 2004

91 YEAS

24 NAYS

2 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
N Aguilar	Y Dugan	Y Lang	N Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	N Dunn	Y Lindner	N 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	N Rose
Y Biggins	Y Flowers	Y Mautino	N Ryg
P Black	Y Franks	N May	Y Sacia
Y Boland	N Fritchey	Y McAuliffe	Y Saviano
P Bost	Y Froehlich	Y McCarthy	Y Schmitz
N Bradley, John	Y 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	N Miller	Y Soto
Y Burke	Y Hamos	Y Millner	N Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	N Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	A Turner
N Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
N Coulson	Y Hultgren	Y Mulligan	N Washington
Y Cross	N Jakobsson	N Munson	N Watson
N Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	N Nekritz	Y Yarbrough
Y Daniels	Y Joyce	N Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	N Kosel	N Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4723
DCFS-PRIVATE AGENCIES-IMMUNITY
THIRD READING
PASSED

April 01, 2004

84 YEAS

33 NAYS

1 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	N Phelps
Y Aguilar	N Dugan	Y Lang	N Pihos
N Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	N Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
N Bellock	N Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	N Flider	Y Mathias	N Rose
Y Biggins	N Flowers	Y Mautino	N Ryg
Y Black	N Franks	N May	Y Sacia
N Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
N Bradley, John	N 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	Y Sommer
Y Brosnahan	N Grunloh	Y Miller	Y Soto
Y Burke	P Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	N Sullivan
N Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
N Collins	Y Holbrook	Y Molaro	N Verschoore
N Colvin	N Howard	Y Morrow	Y Wait
N Coulson	Y Hultgren	N Mulligan	N Washington
Y Cross	N Jakobsson	N Munson	Y Watson
Y Cultra	N Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	N Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
N Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	N Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5320
VEH CD-NO LICENSE-PERMIT-TECH
THIRD READING
PASSED

April 01, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y 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	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y 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
Y 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	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 4225
SCH CD-SPEC ED-REIMBURSEMENT
THIRD READING
PASSED

April 01, 2004

98 YEAS	20 NAYS	0 PRESENT	
Y Acevedo	Y Delgado	N Kurtz	N Phelps
Y Aguilar	N Dugan	Y 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	N Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	N Ryg
Y Black	N Franks	N May	Y Sacia
Y Boland	N Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
N Bradley, John	Y 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	Y Sommer
Y Brosnahan	N Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	Y Sullivan
N Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	N Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	N Washington
Y Cross	N Jakobsson	N Munson	Y Watson
Y Cultra	N Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	N Nekritz	Y Yarbrough
Y Daniels	N Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y 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 4744
 HIGHER ED-MAP GRANTS
 THIRD READING
 PASSED

April 01, 2004

86 YEAS

31 NAYS

1 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	N Phelps
Y Aguilar	N Dugan	Y Lang	N 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	N Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	N Ryg
Y Black	N Franks	N May	Y Sacia
Y Boland	N Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
N Bradley, John	Y 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	N Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	N Sullivan
N Chapa LaVia	Y Hassert	Y Mitchell, Jerry	N Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	N Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
N Coulson	N Hultgren	Y Mulligan	Y Washington
Y Cross	N Jakobsson	N Munson	N Watson
N Cultra	N Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	N Nekritz	Y Yarbrough
Y Daniels	N Joyce	N Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	N Kosel	N Pankau	
P Davis, William	Y Krause	N Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4877
PENCD-SURS-UNUSED SICK LEAVE
THIRD READING
PASSED

April 01, 2004

74 YEAS

42 NAYS

1 PRESENT

P Acevedo	Y Delgado	Y Kurtz	N Phelps
Y Aguilar	N Dugan	Y Lang	N Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
N Bassi	Y Dunn	N Lindner	N Pritchard
Y Beaubien	N Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	N Flider	N Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	N Ryg
Y Black	N Franks	N May	Y Sacia
Y Boland	N Fritchey	Y McAuliffe	Y Saviano
Y Bost	N Froehlich	Y McCarthy	Y Schmitz
N Bradley, John	Y 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	N Miller	Y Soto
Y Burke	Y Hamos	N Millner	Y Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	N Sullivan
N Chapa LaVia	A Hassert	Y Mitchell, Jerry	N Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	N Verschoore
Y Colvin	Y Howard	Y Morrow	N Wait
N Coulson	Y Hultgren	N Mulligan	Y Washington
Y Cross	N Jakobsson	N Munson	N Watson
N Cultra	N Jefferson	Y Myers	N Winters
Y Currie	Y Jones	N Nekritz	Y Yarbrough
Y Daniels	N Joyce	N Osmond	Y Younge
Y Davis, Monique	N Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	N 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 5345
CHILD CARE-TECH
THIRD READING
PASSED

April 01, 2004

60 YEAS

58 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	N Phelps
N Aguilar	N Dugan	Y Lang	N Pihos
Y Bailey	Y Dunkin	N Leitch	N Poe
N Bassi	N Dunn	N Lindner	N Pritchard
Y Beaubien	N Eddy	Y Lyons, Eileen	Y Reitz
N Bellock	N 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	N May	N Sacia
Y Boland	N Fritchey	Y McAuliffe	Y Saviano
N Bost	N Froehlich	Y McCarthy	Y Schmitz
N Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	N Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
N Brauer	Y Granberg	Y Meyer	N Sommer
Y Brosnahan	N Grunloh	N Miller	Y Soto
Y Burke	Y Hamos	N Millner	N Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	N Sullivan
N Chapa LaVia	Y 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	Y Hultgren	N Mulligan	N Washington
Y Cross	N Jakobsson	N Munson	N Watson
N Cultra	N Jefferson	N Myers	Y Winters
Y Currie	Y Jones	N Nekritz	Y Yarbrough
N Daniels	N Joyce	N Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	N 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 4265
SCH CD-TAX EQUIVALENT GRANTS
THIRD READING
PASSED

April 01, 2004

82 YEAS

35 NAYS

1 PRESENT

Y Acevedo	N Delgado	Y Kurtz	N Phelps
Y Aguilar	N Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
N Bassi	Y Dunn	Y 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
Y Biggins	Y Flowers	Y Mautino	N Ryg
Y Black	N Franks	N May	Y Sacia
N Boland	N Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
N Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	N Gordon	N McKeon	N Slone
Y Brady	Y Graham	Y Mendoza	N Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	N Grunloh	N Miller	Y Soto
Y Burke	N Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
N Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	N Holbrook	Y Molaro	N Verschoore
P Colvin	Y Howard	Y Morrow	Y Wait
N Coulson	Y Hultgren	N Mulligan	Y Washington
Y Cross	N Jakobsson	N Munson	Y Watson
N Cultra	N Jefferson	Y Myers	Y Winters
N Currie	Y Jones	N Nekritz	Y Yarbrough
Y Daniels	N Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	N Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4850
 IDPH-SEWAGE DISPOSAL LICENSING
 THIRD READING
 PASSED

April 01, 2004

64 YEAS

51 NAYS

3 PRESENT

P Acevedo	P Delgado	Y Kurtz	N Phelps
N Aguilar	N Dugan	Y Lang	N Pihos
Y Bailey	Y Dunkin	N Leitch	N Poe
N Bassi	N Dunn	N Lindner	N Pritchard
Y Beaubien	Y 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	Y Sacia
Y Boland	N Fritchey	N McAuliffe	N Saviano
N Bost	Y Froehlich	Y McCarthy	Y Schmitz
N Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	N Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
N Brauer	Y Granberg	N Meyer	N Sommer
Y Brosnahan	N Grunloh	Y Miller	P Soto
Y Burke	Y Hamos	N Millner	N Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	N Sullivan
N Chapa LaVia	Y Hassert	N Mitchell, Jerry	Y Tenhouse
N Churchill	Y Hoffman	N Moffitt	Y Turner
Y Collins	N Holbrook	Y Molaro	N Verschoore
Y Colvin	Y Howard	Y Morrow	N Wait
Y Coulson	N Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	N Munson	N Watson
N Cultra	N Jefferson	N Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
N Daniels	N Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	N Kosel	N Pankau	
Y Davis, William	Y Krause	N Parke	

E - Denotes Excused Absence