

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-THIRD GENERAL ASSEMBLY

130TH LEGISLATIVE DAY

WEDNESDAY, MAY 19, 2004

12:00 O'CLOCK NOON

**HOUSE OF REPRESENTATIVES
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The House met pursuant to adjournment.
 Representative Hannig in the chair.
 Prayer by Reverend Cleveland Thomas Sr. with The New Morning Star Baptist Church in Peoria, IL.
 Representative Rose 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 Lang replaced Representative Hannig in the Committee on Rules for today only.
 Representative Capparelli replaced Representative Currie in the Committee on Rules for today only.

LETTER OF TRANSMITTAL

May 18, 2004

Mark Mahoney
 Chief Clerk of the House
 402 State House
 Springfield, IL 62706

Dear Clerk Mahoney:

Please be advised that I am extending the Committee and/or Third Reading Deadline to May 31, 2004 for the following Senate Bills:

Senate Bills: 2299, 2908, 2961.

If you have any questions, please contact my Chief of Staff, Tim Mapes, at 782-6360.

With kindest personal regards, I remain

Sincerely yours,
 s/Michael J. Madigan
 Speaker of the House

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":

Amendment No. 2 to SENATE BILL 35.

Amendment No. 3 to SENATE BILL 2635.

That the Motion be reported "recommends be adopted" and placed on the House Calendar:

Motion to concur with Senate Amendment No. 1 to HOUSE BILL 1086.

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

3, Yeas; 1, Nays; 0, Answering Present.

Y Currie, Barbara(D), Chairperson
 Y Hannig, Gary(D) (Lang)
 Y Turner, Arthur(D)

N Black, William(R)
 A Hassert, Brent(R), Republican Spokesperson

COMMITTEE ON RULES REFERRALS

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

Consumer Protection: Motion to concur with SENATE AMENDMENTS Numbered 1 and 2 to HOUSE BILL 4450.

Judiciary II - Criminal Law: HOUSE AMENDMENT No. 1 to SENATE BILL 2244.

Labor: HOUSE AMENDMENTS Numbered 1 and 2 to SENATE BILL 797.

Local Government: SENATE BILL 728.

State Government Administration: HOUSE AMENDMENT No. 3 to SENATE BILL 2248; HOUSE JOINT RESOLUTION 86.

State Government Administration: HOUSE AMENDMENT No. 1 to SENATE BILL 1605.

MOTIONS SUBMITTED

Representative Steve Davis submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 5732.

Representative Dunn submitted the following written motion, which was placed on the Calendar on the order of Concurrence:

MOTION

I move to non-concur with Senate Amendment No. 1 to HOUSE BILL 6760.

Representative Dunn 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 6760.

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

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 5215.

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

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 828.

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

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 1041.

FISCAL NOTES SUPPLIED

Fiscal Notes have been supplied for HOUSE BILL 5252, as amended, and SENATE BILLS 943, as amended, and 1955, as amended.

CORRECTIONAL NOTE SUPPLIED

A Correctional Note has been supplied for HOUSE BILL 5000, as amended.

JUDICIAL NOTES SUPPLIED

Judicial Notes have been supplied for SENATE BILLS 827, as amended, 1955, as amended, and 2238, as amended.

PENSION NOTES SUPPLIED

Pension Notes have been supplied for SENATE BILLS 1955, as amended, and 2238, as amended.

STATE DEBT IMPACT NOTES SUPPLIED

State Debt Impact Notes have been supplied for SENATE BILLS 943, as amended, 1955, as amended, and 2238, as amended.

REQUEST FOR FISCAL NOTES

Representative Black requested that Fiscal Notes be supplied for SENATE BILLS 2788 and 2847.

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 concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1075

A bill for AN ACT concerning insurance.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 1075

Senate Amendment No. 2 to HOUSE BILL NO. 1075

Passed the Senate, as amended, May 18, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1 . Amend House Bill 1075 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 155.42 as follows:

(215 ILCS 5/155.42 new)

Sec. 155.42. Arbitration of automobile physical damage claims. An insurer that amends, delivers, issues, or renews a policy of automobile insurance, as defined in Section 143.13, must arbitrate and settle all motor vehicle physical damage claims between the insurer and another insurer in accordance with an automobile subrogation program sponsored by the intercompany arbitration organization chosen by the insurer. Any arbitration decision shall be binding for the amount of damages not exceeding \$5,000.

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

AMENDMENT NO. 2 . Amend House Bill 1075, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 4, after "amended by", by inserting "changing Section 209 and"; and

on page 1, immediately below line 15, by inserting the following:

"(215 ILCS 5/209) (from Ch. 73, par. 821)

Sec. 209. Proof and allowance of claims.

(1) A proof of claim shall consist of a written statement signed under oath setting forth the claim, the consideration for it, whether the claim is secured and, if so, how, what payments have been made on the claim, if any, and that the sum claimed is justly owing from the company. Whenever a claim is based upon a document, the document, unless lost or destroyed, shall be filed with the proof of claim. If the document is lost or destroyed, a statement of that fact and of the circumstances of the loss or destruction shall be included in the proof of claim. A claim may be allowed even if contingent or unliquidated as of the date fixed by the court pursuant to subsection (a) of Section 194 if it is filed in accordance with this subsection. Except as otherwise provided in subsection (7), a proof of claim required under this Section must identify a known loss or occurrence ~~particular claim~~.

(2) At any time, the Director may require the claimant to present information or evidence supplementary to that required under subsection (1) and may take testimony under oath, require production of affidavits or depositions, or otherwise obtain additional information or evidence.

(3) Upon the liquidation, rehabilitation, or conservation of any company which has issued policies insuring the lives of persons, the Director shall, within a reasonable time, after the last day set for the filing of claims, make a list of the persons who have not filed proofs of claim with him and whose rights have not been reinsured, to whom it appears from the books of the company, there are owing amounts on such policies and he shall set opposite the name of each person such amount so owing to such person. The Director shall incur no personal liability by reason of any mistake in such list. Each person whose name shall appear upon said list shall be deemed to have duly filed prior to the last day set for filing of claims a proof of claim for the amount set opposite his name on said list.

(4)(a) When a Liquidation, Rehabilitation, or Conservation Order has been entered in a proceeding against an insurer under this Code, any insured under an insurance policy shall have the right to file a contingent claim. The Court at the time of the entry of the Order of Liquidation, Rehabilitation or Conservation shall fix the final date for the liquidation of insureds' contingent claims, but in no event shall said date be more than 3 years after the last day fixed for the filing of claims, provided, such date may be extended by the Court on petition of the Director should the Director determine that such extension will not delay distribution of assets under Section 210. Such a contingent claim shall be allowed if such claim is liquidated and the insured claimant presents evidence of payment of such claim to the Director on or before the last day fixed by the Court.

(b) When an insured has been unable to liquidate its claim under paragraph (a) of this subsection (4), the insured may have its claim allowed by estimation if (i) it may be reasonably inferred from the proof presented upon the claim that a claim exists under the policy; (ii) the insured has furnished suitable proof, unless the court for good cause shown shall otherwise direct, that no further valid claims against the insurer arising out of the cause of action other than those already presented can be made, and (iii) the total liability of the insurer to all claimants arising out of the same act shall be no greater than its total liability would be were it not in liquidation, rehabilitation, or conservation.

(5) The obligation of the insurer, if any, to defend or continue the defense of any claim or suit under a liability insurance policy shall terminate on the entry of the Order of Liquidation, Rehabilitation or Conservation, except during the appeal of an Order of Liquidation as provided by Section 190.1 or, unless upon the petition of the Director, the court directs otherwise. Insureds may include in contingent claims reasonable attorneys fees for services rendered subsequent to the date of Liquidation, Rehabilitation or Conservation in defense of claims or suits covered by the insured's policy provided such attorneys fees have actually been paid by the assured and evidence of payment presented in the manner required for insured's contingent claims.

(6) When a liquidation, rehabilitation, or conservation order has been entered in a proceeding against an insurer under this Code, any person who has a cause of action against an insured of the insurer under an insurance policy issued by the insurer shall have the right to file a claim in the proceeding, regardless of the fact that the claim may be contingent, and the claim may be allowed by estimation (a) if it may be reasonably, inferred from proof presented upon the claim that the claimant would be able to obtain a

judgment upon the cause of action against the insured; and (b) if the person has furnished suitable proof, unless the court for good cause shown shall otherwise direct, that no further valid claims against the insurer arising out of the cause of action other than those already presented can be made, and (c) the total liability of the insurer to all claimants arising out of the same act shall be no greater than its total liability would be were it not in liquidation, rehabilitation, or conservation.

(7) Contingent or unliquidated general creditors' and ceding insurers' claims that are not made absolute and liquidated by the last day fixed by the court pursuant to subsection (4) ~~may shall~~ be determined and allowed by estimation. Any such estimate shall be based upon an actuarial evaluation made with reasonable actuarial certainty or upon another accepted method of valuing claims with reasonable certainty and, with respect to ceding insurers' claims, may include an estimate of incurred but not reported losses.

(7.5) (a) The estimation and allowance of the loss development on a known loss or occurrence shall trigger a reinsurer's obligation to pay pursuant to its reinsurance contract with the insolvent company, provided that the allowance is made in accordance with paragraph (b) of subsection (4) or subsection (6). The Director shall have the authority to exercise all available remedies on behalf of the insolvent company to marshal these reinsurance recoverables.

(b) That portion of any estimated and allowed contingent claim that is attributable to claims incurred but not reported to the insolvent company's reinsured shall not be billable to the insolvent company's reinsurers, except to the extent that (A) such claims develop into known losses or occurrences and become billable under paragraph (a) of this subsection or (B) the reinsurance contract specifically provides for the payment of such losses or reserves.

(c) Notwithstanding any other provision of this Code, the liquidator may negotiate a voluntary commutation and release of all obligations arising from reinsurance contracts or other agreements.

(8) No judgment against such an insured or an insurer taken after the date of the entry of the liquidation, rehabilitation, or conservation order shall be considered in the proceedings as evidence of liability, or of the amount of damages, and no judgment against an insured or an insurer taken by default, or by collusion prior to the entry of the liquidation order shall be considered as conclusive evidence in the proceeding either of the liability of such insured to such person upon such cause of action or of the amount of damages to which such person is therein entitled.

(9) The value of securities held by secured creditors shall be determined by converting the same into money according to the terms of the agreement pursuant to which such securities were delivered to such creditors, or by such creditors and the Director by agreement, or by the court, and the amount of such value shall be credited upon the claims of such secured creditors and their claims allowed only for the balance.

(10) Claims of creditors or policyholders who have received preferences voidable under Section 204 or to whom conveyances or transfers, assignments or incumbrances have been made or given which are void under Section 204, shall not be allowed unless such creditors or policyholders shall surrender such preferences, conveyances, transfers, assignments or incumbrances.

(11)(a) When the Director denies a claim or allows a claim for less than the amount requested by the claimant, written notice of the determination and of the right to object shall be given promptly to the claimant or the claimant's representative by first class mail at the address shown on the proof of claim. Within 60 days from the mailing of the notice, the claimant may file his written objections with the Director. If no such filing is made on a timely basis, the claimant may not further object to the determination.

(b) Whenever objections are filed with the Director and he does not alter his determination as a result of the objection and the claimant continues to object, the Director shall petition the court for a hearing as soon as practicable and give notice of the hearing by first class mail to the claimant or his representative and to any other persons known by the Director to be directly affected, not less than 10 days before the date of the hearing.

(12) The Director shall review all claims duly filed in the liquidation, rehabilitation, or conservation proceeding, unless otherwise directed by the court, and shall make such further investigation as he considers necessary. The Director may compound, compromise, or in any other manner negotiate the amount for which claims will be recommended to the court. Unresolved disputes shall be determined under subsection (11).

(13)(a) The Director shall present to the court reports of claims reviewed under subsection (12) with his recommendations as to each claim.

(b) The court may approve or disapprove any recommendations contained in the reports of claims filed by the Director, except that the Director's agreements with claimants shall be accepted as final by the court on claims settled for \$10,000 or less.

(14) The changes made in this Section by this amendatory Act of 1993 apply to all liquidation, rehabilitation, or conservation proceedings that are pending on the effective date of this amendatory Act of 1993 and to all future liquidation, rehabilitation, or conservation proceedings, except that the changes made to the provisions of this Section by this amendatory Act of 1993 shall not apply to any company ordered into liquidation on or before January 1, 1982.

(15) The changes made in this Section by this amendatory Act of the 93rd General Assembly do not apply to any company ordered into liquidation on or before January 1, 2004.
(Source: P.A. 91-357, eff. 7-29-99.)".

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 1075 were placed on the Calendar on the order of Concurrence.

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

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1080

A bill for AN ACT in relation to financial regulation.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 2 to HOUSE BILL NO. 1080

Senate Amendment No. 3 to HOUSE BILL NO. 1080

Passed the Senate, as amended, May 18, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2 . Amend House Bill 1080 by replacing everything after the enacting clause with the following:

"Section 5. The Uniform TOD Security Registration Act is amended by changing Section 1 as follows:
(815 ILCS 10/1)

Sec. 1. Definitions. In this Act, unless the context otherwise requires:

(1) "Beneficiary form" means a registration of a security which indicates the present owner of the security and the intention of the owner regarding the person who will become the owner of the security upon the death of the owner.

(2) "Devisee" means any person designated in a will to receive a disposition of real or personal property.

(3) "Heirs" means those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the property of a decedent.

(4) "Person" means an individual, a corporation, an organization, or other legal entity.

(5) "Personal representative" includes executor, administrator, successor personal representative, special administrator, and persons who perform substantially the same function under the law governing their status.

(6) "Property" includes both real and personal property or any interest therein and means anything that may be the subject of ownership.

(7) "Register", including its derivatives, means to issue a certificate showing the ownership of a certificated security or, in the case of an uncertificated security, to initiate or transfer an account showing ownership of securities.

(8) "Registering entity" means a person who originates or transfers a security title by registration, and includes a broker maintaining security accounts for customers and a transfer agent or other person acting for or as an issuer of securities.

(9) "Security" means a share, participation, or other interest in property, in a business, or in an obligation of an enterprise or other issuer, and includes a certificated security, an uncertificated security, and a security account.

(10) "Security account" means (i) a reinvestment account associated with a security, a securities account with a broker, a cash balance in a brokerage account, cash, interest, earnings, or dividends earned or

declared on a security in an account, a reinvestment account, or a brokerage account, whether or not credited to the account before the owner's death, or (ii) an investment management or custody account with a trust company or trust division of a bank with trust powers, including the securities in the account, a cash balance in the account, and cash, equivalents, interest, earnings, or dividends earned or declared on a security in the account, whether or not credited to the account before the owner's death, or (iii) a cash balance or other property held for or due to the owner of a security as a replacement for or product of an account security, whether or not credited to the account before the owner's death.

(11) "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession subject to the legislative authority of the United States.

(Source: P.A. 88-577, eff. 1-1-95.)

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

AMENDMENT NO. 3. Amend House Bill 1080, AS AMENDED, by replacing the introductory clause of Section 5 with the following:

"Section 5. The Trusts and Trustees Act is amended by changing Section 5.3 and adding Section 5.5 as follows:

(760 ILCS 5/5.3)

Sec. 5.3. Total return trusts.

(a) Conversion by trustee. A trustee may convert a trust to a total return trust as described in this Section if all of the following apply:

(1) The trust describes the amount that may or must be distributed to a beneficiary by referring to the trust's income, and the trustee determines that conversion to a total return trust will enable the trustee to better carry out the purposes of the trust and the conversion is in the best interests of the beneficiaries;

(2) conversion to a total return trust means the trustee will invest and manage trust assets seeking a total return without regard to whether that return is from income or appreciation of principal, and will make distributions in accordance with this Section (such a trust is called a "total return trust" in this Section);

(3) the trustee sends a written notice of the trustee's decision to convert the trust to a total return trust, specifying a prospective effective date for the conversion and including a copy of this Section, to the following beneficiaries, determined as of the date the notice is sent and assuming nonexercise of all powers of appointment:

(A) all of the legally competent beneficiaries who are currently receiving or eligible to receive income from the trust; and

(B) all of the legally competent beneficiaries who would receive or be eligible to receive a distribution of principal or income if the current interests of beneficiaries currently receiving or eligible to receive income ended;

(4) there are one or more legally competent income beneficiaries under subdivision

(3)(A) of this subsection (a) and one or more legally competent remainder beneficiaries under subdivision (3)(B) of this subsection (a), determined as of the date of sending the notice;

(5) no beneficiary objects to the conversion to a total return trust in a writing delivered to the trustee within 60 days after the notice is sent; and

(6) the trustee has signed acknowledgments of receipt confirming that notice was received by each beneficiary required to be sent notice under subdivision (3) of this subsection (a).

(b) Conversion by agreement. Conversion to a total return trust may be made by agreement between a trustee and all the primary beneficiaries of the trust under the virtual representation provisions of Section 16.1 of this Act if those provisions otherwise apply. The agreement may include any actions a court could properly order under subsection (g) of this Section; however, any distribution percentage determined by the agreement may not be less than 3% nor greater than 5%.

(c) Conversion or reconversion by court.

(1) The trustee may for any reason elect to petition the court to order conversion to a total return trust, including without limitation the reason that conversion under subsection (a) is unavailable because:

(A) a beneficiary timely objects to the conversion to a total return trust;

(B) there are no legally competent beneficiaries described in subdivision (3)(A) of subsection (a); or

(C) there are no legally competent beneficiaries described in subdivision (3)(B) of

subsection (a).

(2) A beneficiary may request the trustee to convert to a total return trust or adjust the distribution percentage. If the trustee declines or fails to act within 6 months after receiving a written request to do so, the beneficiary may petition the court to order the conversion or adjustment.

(3) The trustee may petition the court prospectively to reconvert from a total return trust or adjust the distribution percentage if the trustee determines that the reconversion or adjustment will enable the trustee to better carry out the purposes of the trust. A beneficiary may request the trustee to petition the court prospectively to reconvert from a total return trust or adjust the distribution percentage. If the trustee declines or fails to act within 6 months after receiving a written request to do so, the beneficiary may petition the court to order the reconversion or adjustment.

(4) In a judicial proceeding under this subsection (c), the trustee may, but need not, present the trustee's opinions and reasons (A) for supporting or opposing conversion to (or reconversion from or adjustment of the distribution percentage of) a total return trust, including whether the trustee believes conversion (or reconversion or adjustment of the distribution percentage) would enable the trustee to better carry out the purposes of the trust, and (B) about any other matters relevant to the proposed conversion (or reconversion or adjustment of the distribution percentage). A trustee's actions in accordance with this subsection (c) shall not be deemed improper or inconsistent with the trustee's duty of impartiality unless the court finds from all the evidence that the trustee acted in bad faith.

(5) The court shall order conversion to (or reconversion prospectively from or adjustment of the distribution percentage of) a total return trust if the court determines that the conversion (or reconversion or adjustment of the distribution percentage) will enable the trustee to better carry out the purposes of the trust and the conversion (or reconversion or adjustment of the distribution percentage) is in the best interests of the beneficiaries.

(6) Notwithstanding any other provision of this Section, a trustee has no duty to inform beneficiaries about the availability of this Section and has no duty to review the trust to determine whether any action should be taken under this Section unless requested to do so in writing by a beneficiary described in subdivision (3) of subsection (a).

(d) Post conversion. While a trust is a total return trust, all of the following shall apply to the trust:

(1) the trustee shall make income distributions in accordance with the governing instrument subject to the provisions of this Section;

(2) the term "income" in the governing instrument means an annual amount (the "distribution amount") equal to a percentage (the "distribution percentage") of the net fair market value of the trust's assets, whether the assets are considered income or principal under the Principal and Income Act, averaged over the lesser of:

(i) the 3 preceding years; or

(ii) the period during which the trust has been in existence;

(3) the distribution percentage for any trust converted to a total return trust by a trustee in accordance with subsection (a) shall be 4%; ~~and~~

(4) the trustee shall pay to a beneficiary (in the case of an underpayment) and shall recover from a beneficiary (in the case of an overpayment) an amount equal to the difference between the amount properly payable and the amount actually paid, plus interest compounded annually at a rate per annum equal to the distribution percentage in the year or years while the underpayment or overpayment exists; ~~and~~ -

(5) a change in the method of determining a reasonable current return by converting to a total return trust in accordance with this Section and substituting the distribution amount for net trust accounting income is a proper change in the definition of trust income notwithstanding any contrary provision of the Principal and Income Act, and the distribution amount shall be deemed a reasonable current return that fairly apportions the total return of a total return trust.

(e) Administration. The trustee, in the trustee's discretion, may determine any of the following matters in administering a total return trust as the trustee from time to time determines necessary or helpful for the proper functioning of the trust:

(1) the effective date of a conversion to a total return trust;

(2) the manner of prorating the distribution amount for a short year in which a beneficiary's interest commences or ceases;

(3) whether distributions are made in cash or in kind;

(4) the manner of adjusting valuations and calculations of the distribution amount to account for other payments from or contributions to the trust;

- (5) whether to value the trust's assets annually or more frequently;
- (6) what valuation dates and how many valuation dates to use;
- (7) valuation decisions about any asset for which there is no readily available market value, including:

- (A) how frequently to value such an asset;
- (B) whether and how often to engage a professional appraiser to value such an asset; and

(C) whether to exclude the value of such an asset from the net fair market value of the trust's assets under subdivision (d)(2) for purposes of determining the distribution amount. Any such asset so excluded is referred to as an "excluded asset" in this subsection (e), and the trustee shall distribute any net income received from the excluded asset as provided for in the governing instrument, subject to the following principles:

(i) unless the trustee determines there are compelling reasons to the contrary considering all relevant factors including the best interests of the beneficiaries, the trustee shall treat each asset for which there is no readily available market value as an excluded asset;

(ii) if tangible personal property or real property is possessed or occupied by a beneficiary, the trustee shall not limit or restrict any right of the beneficiary to use the property in accordance with the governing instrument whether or not the trustee treats the property as an excluded asset;

(iii) examples of assets for which there is a readily available market value include: cash and cash equivalents; stocks, bonds, and other securities and instruments for which there is an established market on a stock exchange, in an over-the-counter market, or otherwise; and any other property that can reasonably be expected to be sold within one week of the decision to sell without extraordinary efforts by the seller;

(iv) examples of assets for which there is no readily available market value include: stocks, bonds, and other securities and instruments for which there is no established market on a stock exchange, in an over-the-counter market, or otherwise; real property; tangible personal property; and artwork and other collectibles; and

- (8) any other administrative matters as the trustee determines necessary or helpful for the proper functioning of the total return trust.

(f) Allocations.

(1) Expenses, taxes, and other charges that would be deducted from income if the trust were not a total return trust shall not be deducted from the distribution amount.

(2) Unless otherwise provided by the governing instrument, the trustee shall fund the distribution amount each year from the following sources for that year in the order listed: first from net income (as the term would be determined if the trust were not a total return trust), then from other ordinary income as determined for federal income tax purposes, then from net realized short-term capital gains as determined for federal income tax purposes, then from net realized long-term capital gains as determined for federal income tax purposes, then from trust principal comprised of assets for which there is a readily available market value, and then from other trust principal.

(g) Court orders. The court may order any of the following actions in a proceeding brought by a trustee or a beneficiary in accordance with subdivision (c)(1), (c)(2), or (c)(3):

- (1) select a distribution percentage other than 4%;
- (2) average the valuation of the trust's net assets over a period other than 3 years;
- (3) reconvert prospectively from or adjust the distribution percentage of a total return trust;

(4) direct the distribution of net income (determined as if the trust were not a total return trust) in excess of the distribution amount as to any or all trust assets if the distribution is necessary to preserve a tax benefit; or

- (5) change or direct any administrative procedure as the court determines necessary or helpful for the proper functioning of the total return trust.

Nothing in this subsection (g) limits the equitable powers of the court to grant other relief.

(h) Restrictions. ~~The distribution amount may not be less than the net income of the trust, determined without regard to the provisions of this Section, for either a trust for which an estate tax or a gift tax marital deduction was or may be claimed in whole or in part (but only during the lifetime of the spouse for whom the trust was created), or a trust that was exempt in whole or in part from generation skipping transfer tax on the effective date of this amendatory Act of the 92nd General Assembly by reason of any effective date~~

~~or transition rule.~~ Conversion to a total return trust does not affect any provision in the governing instrument:

- (1) directing or authorizing the trustee to distribute principal;
- (2) directing or authorizing the trustee to distribute a fixed annuity or a fixed fraction of the value of trust assets;
- (3) authorizing a beneficiary to withdraw a portion or all of the principal; or
- (4) in any manner that would diminish an amount permanently set aside for charitable purposes under the governing instrument unless both income and principal are so set aside.

(i) Tax limitations. If a particular trustee is a beneficiary of the trust and conversion or failure to convert would enhance or diminish the beneficial interest of the trustee, or if possession or exercise of the conversion power by a particular trustee would alone cause any individual to be treated as owner of a part of the trust for income tax purposes or cause a part of the trust to be included in the gross estate of any individual for estate tax purposes, then that particular trustee may not participate as a trustee in the exercise of the conversion power; however:

- (1) the trustee may petition the court under subdivision (c)(1) to order conversion in accordance with this Section; and

(2) if the trustee has one or more co-trustees to whom this subsection (i) does not apply, the co-trustee or co-trustees may convert the trust to a total return trust in accordance with this Section.

(j) Releases. A trustee may irrevocably release the power granted by this Section if the trustee reasonably believes the release is in the best interests of the trust and its beneficiaries. The release may be personal to the releasing trustee or may apply generally to some or all subsequent trustees, and the release may be for any specified period, including a period measured by the life of an individual.

(k) Remedies. A trustee who reasonably and in good faith takes or omits to take any action under this Section is not liable to any person interested in the trust. If a trustee reasonably and in good faith takes or omits to take any action under this Section and a person interested in the trust opposes the act or omission, the person's exclusive remedy is to obtain an order of the court directing the trustee to convert the trust to a total return trust, to reconvert from a total return trust, to change the distribution percentage, or to order any administrative procedures the court determines necessary or helpful for the proper functioning of the trust. An act or omission by a trustee under this Section is presumed taken or omitted reasonably and in good faith unless it is determined by the court to have been an abuse of discretion. Any claim by any person interested in the trust that an act or omission by a trustee under this Section was an abuse of discretion is barred if not asserted in a proceeding commenced by or on behalf of the person within 2 years after the trustee has sent to the person or the person's personal representative a notice or report in writing sufficiently disclosing facts fundamental to the claim such that the person knew or reasonably should have known of the claim. The preceding sentence shall not apply to a person who was under a legal disability at the time the notice or report was sent and who then had no personal representative. For purposes of this subsection (k), a personal representative refers to a court appointed guardian or conservator of the estate of a person.

(l) Application. This Section is available to trusts in existence on the effective date of this amendatory Act of the 92nd General Assembly or created after that date. This Section shall be construed as pertaining to the administration of a trust and shall be available to any trust that is administered in Illinois under Illinois law or that is governed by Illinois law with respect to the meaning and effect of its terms unless:

(1) the trust is a trust described in Internal Revenue Code Section ~~642(c)(5), 170(f)(2)(B), 664(d), 1361(d),~~

2702(a)(3), or 2702(b); or

(2) the governing instrument expressly prohibits use of this Section by specific reference to this Section. A provision in the governing instrument in the form: "Neither the provisions of Section 5.3 of the Trusts and Trustees Act nor any corresponding provision of future law may be used in the administration of this trust" or a similar provision demonstrating that intent is sufficient to preclude the use of this Section.

(m) Application to express trusts.

(1) This subsection (m) does not apply to a charitable remainder unitrust as defined by Section 664(d), Internal Revenue Code of 1986 (26 U.S.C. Section 664), as amended.

(2) In this subsection (m):

(A) "Unitrust" means a trust the terms of which require distribution of a unitrust amount, without regard to whether the trust has been converted to a total return trust in accordance with this Section or whether the trust is established by express terms of the governing instrument.

(B) "Unitrust amount" means an amount equal to a percentage of a trust's assets that may or must be distributed to one or more beneficiaries annually in accordance with the terms of the trust. The unitrust amount may be determined by reference to the net fair market value of the trust's assets as of a particular date or as an average determined on a multiple year basis.

(3) A unitrust changes the definition of income by substituting the unitrust amount for net trust accounting income as the method of determining current return and shall be given effect notwithstanding any contrary provision of the Principal and Income Act. By way of example and not limitation, a unitrust amount determined by a percentage of not less than 3% nor greater than 5% is conclusively presumed a reasonable current return that fairly apportions the total return of a unitrust.

(4) The allocations provision of subdivision (2) of subsection (f) of Section 5.3 applies to a unitrust except to the extent its governing instrument expressly provides otherwise.

(Source: P.A. 92-838, eff. 8-22-02.)

(760 ILCS 5/5.5 new)

Sec. 5.5. Gift to a deceased beneficiary under an inter vivos trust. Unless the settlor expressly provides otherwise in his or her trust:

(1) if a gift of a present or future interest is to a descendant of the settlor who dies before or after the settlor, the descendants of the deceased beneficiary living when the gift is to take effect in possession or enjoyment take per stirpes the gift so bequeathed;

(2) if a gift of a present or future interest is to a class and any member of the class dies before or after the settlor, the members of the class living when the gift is to take effect in possession or enjoyment take the share or shares that the deceased member would have taken if he or she were then living, except that, if the deceased member of the class is a descendant of the settlor, the descendants of the deceased member then living shall take per stirpes the share or shares that the deceased member would have taken if he or she were then living; and

(3) except as above provided in items (1) and (2), if the gift is not to a descendant of the settlor or is not to a class as provided in items (1) and (2) and if the beneficiary dies either before or after the settlor and before the gift is to take effect in possession or enjoyment, then the gift shall lapse. If the gift lapses by reason of the death of the beneficiary before the gift is to take possession or enjoyment, then the gift so given shall be included in and pass as part of the residue of the trust under the trust. If the gift is or becomes part of the residue, the gift so bequeathed shall pass to and be taken by the beneficiaries remaining, if any, of the residue in proportions and upon trusts corresponding to their respective interests in the residue of the trust.

The provisions of items (1) and (2) do not apply to a future interest that is or becomes indefeasibly vested at the settlor's death or at any time thereafter before it takes effect in possession or enjoyment.

The provisions of this Section apply on and after January 1, 2005 for any gifts to a deceased beneficiary under an inter vivos trust where the deceased beneficiary dies after January 1, 2005 and before the gift is to take effect in possession or enjoyment.

Section 10. The Uniform TOD Security Registration Act is amended by changing Section 1 as follows:".

The foregoing message from the Senate reporting Senate Amendments numbered 2 and 3 to HOUSE BILL 1080 were placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 770

A bill for AN ACT regarding schools.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 770

Passed the Senate, as amended, May 18, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1 . Amend House Bill 770 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 18-12 as follows:

(105 ILCS 5/18-12) (from Ch. 122, par. 18-12)

Sec. 18-12. Dates for filing State aid claims. The school board of each school district shall require teachers, principals, or superintendents to furnish from records kept by them such data as it needs in preparing and certifying to the regional superintendent its school district report of claims provided in Sections 18-8.05 through 18-10 as required by the State Superintendent of Education. The district claim shall be based on the latest available equalized assessed valuation and tax rates, as provided in Section 18-8.05 and shall use the average daily attendance as determined by the method outlined in Section 18-8.05 and shall be certified and filed with the regional superintendent by June 21 for districts with an official school calendar end date before June 15 or within 2 weeks following the official school calendar end date for districts with a school year end date of June 15 or later. The regional superintendent shall certify and file with the State Superintendent of Education district State aid claims by July 1 for districts with an official school calendar end date before June 15 or no later than July 15 for districts with an official school calendar end date of June 15 or later. Failure to so file by these deadlines constitutes a forfeiture of the right to receive payment by the State until such claim is filed and vouchered for payment. The regional superintendent of schools shall certify the county report of claims by July 15; and the State Superintendent of Education shall voucher for payment those claims to the State Comptroller as provided in Section 18-11.

Except as otherwise provided in this Section, if any school district fails to provide the minimum school term specified in Section 10-19, the State aid claim for that year shall be reduced by the State Superintendent of Education in an amount equivalent to .56818% for each day less than the number of days required by this Code.

If the State Superintendent of Education determines that the failure to provide the minimum school term was occasioned by an act or acts of God, or was occasioned by conditions beyond the control of the school district which posed a hazardous threat to the health and safety of pupils, the State aid claim need not be reduced.

If the State Superintendent of Education determines that the failure to provide the minimum school term was due to a school being closed on or after September 11, 2001 for more than one-half day of attendance due to a bioterrorism or terrorism threat that was investigated by a law enforcement agency, the State aid claim shall not be reduced.

If, during any school day, (i) a school district has provided at least one clock hour of instruction but must close the schools due to adverse weather conditions or due to a condition beyond the control of the school district that poses a hazardous threat to the health and safety of pupils prior to providing the minimum hours of instruction required for a full day of attendance, or (ii) the school district must delay the start of the school day due to adverse weather conditions and this delay prevents the district from providing the minimum hours of instruction required for a full day of attendance, the partial day of attendance may be counted as a full day of attendance. The partial day of attendance and the reasons therefor shall be certified in writing within a month of the closing or delayed start by the local school district superintendent to the Regional Superintendent of Schools for forwarding to the State Superintendent of Education for approval.

If a school building is ordered to be closed by the school board, in consultation with a local emergency response agency, due to a condition that poses a hazardous threat to the health and safety of pupils, then the school district shall have a grace period of 4 days in which the general State aid claim shall not be reduced so that alternative housing of the pupils may be located.

Beginning with the 2003-2004 school year, if the failure of a school district to provide the minimum school term was occasioned by an act or acts of God or by conditions beyond the control of the school district that posed a hazardous threat to the health and safety of pupils, either of which must have occurred after April 1 of the school year, then the school district shall have a grace period of up to 5 days, to assess the need to relocate pupils, in which the general State aid claim shall not be reduced.

No exception to the requirement of providing a minimum school term may be approved by the State Superintendent of Education pursuant to this Section unless a school district has first used all emergency days provided for in its regular calendar.

If the State Superintendent of Education declares that an energy shortage exists during any part of the school year for the State or a designated portion of the State, a district may operate the school attendance centers within the district 4 days of the week during the time of the shortage by extending each existing school day by one clock hour of school work, and the State aid claim shall not be reduced, nor shall the

employees of that district suffer any reduction in salary or benefits as a result thereof. A district may operate all attendance centers on this revised schedule, or may apply the schedule to selected attendance centers, taking into consideration such factors as pupil transportation schedules and patterns and sources of energy for individual attendance centers.

No State aid claim may be filed for any district unless the district superintendent executes and files with the State Superintendent of Education, in the method prescribed by the Superintendent, certification that the district has complied with the requirements of Section 10-22.5 in regard to the nonsegregation of pupils on account of color, creed, race, sex or nationality.

No State aid claim may be filed for any district unless the district superintendent executes and files with the State Superintendent of Education, in the method prescribed by the Superintendent, a sworn statement that to the best of his or her knowledge or belief the employing or assigning personnel have complied with Section 24-4 in all respects.

Electronically submitted State aid claims shall be submitted by duly authorized district or regional individuals over a secure network that is password protected. The electronic submission of a State aid claim must be accompanied with an affirmation that all of the provisions of Sections 18-8.05 through 18-10, 10-22.5, and 24-4 of this Code are met in all respects.

(Source: P.A. 92-661, eff. 7-16-02; 93-54, eff. 7-1-03.)

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 770 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 729

A bill for AN ACT concerning special districts.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 729

Senate Amendment No. 3 to HOUSE BILL NO. 729

Passed the Senate, as amended, May 18, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1 . Amend House Bill 729 by replacing everything after the enacting clause with the following:

"Section 5. The Tuberculosis Sanitarium District Act is amended by changing Sections 3 and 5.4 as follows:

(70 ILCS 920/3) (from Ch. 23, par. 1703)

Sec. 3. Board of directors.

(a) All courts shall take judicial notice of all tuberculosis sanitarium districts organized under this Act. The affairs of such district shall be managed by a board of 3 directors, appointed by the presiding officer of the county board with the advice and consent of the county board, of the county in which the district is situated, except that in districts of 500,000 or more population the board of directors shall consist of 5 members. At least one member of the board of directors shall be a licensed physician, and all shall be chosen with reference to their special fitness for the office. The first appointments shall be made within 90 days and not sooner than 60 days after the district has been organized as provided herein. Each member of the board shall be a legal voter in the district. At the time of the making of the first appointments, one director shall be appointed for a term of one year, one for a term of 2 years, and one for 3, as the case may be, for a term of 3 years, and until their successors are appointed and qualified. At the expiration of the term of any member, his successor shall be appointed in like manner for a term of 3 years and until his successor is appointed and qualified. But no more than 2 members of such board, if it shall be a board of 3

members, and no more than 3 members of such board, if it shall be a board of 5 members, shall be of the same political party. Each member of the board before entering upon the duties of his office shall take the oath prescribed by the Constitution.

(b) From the time of the appointment of the first board of directors, such district shall be a body corporate and politic by the name and style determined as aforesaid, and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal estate necessary for the corporate purposes and adopt a seal and alter the same at its pleasure.

(c) Notwithstanding any other provision of law to the contrary, upon the effective date of this amendatory Act of the 93rd General Assembly and until its dissolution by operation of law on January 1, 2005, in addition to the members appointed under subsection (a), the board of directors of the Suburban Cook County Tuberculosis Sanitarium District shall consist of 2 additional members as follows: (i) the Director of the Cook County Department of Public Health, or his or her designee, and (ii) an at-large member appointed by the President of the Cook County Board. The additional members appointed under this subsection are subject to the appointment requirements of subsection (a), except to the extent that they conflict with this subsection (c).

(Source: P.A. 85-1440.)

(70 ILCS 920/5.4 new)

Sec. 5.4. Dissolution of Suburban Cook County Tuberculosis Sanitarium District; disposition of land and real estate; continuation of District levy.

(a) Notwithstanding any provision of law to the contrary, the Suburban Cook County Tuberculosis Sanitarium District is dissolved by operation of law on January 1, 2005.

(b) Before January 1, 2005, the Board of Directors shall prepare a transition plan that provides for the consolidation of all of the existing programs, personnel, and infrastructure of the District into the Cook County Bureau of Health Services to be administered by the Cook County Department of Public Health. Beginning on the effective date of this amendatory Act of the 93rd General Assembly and before January 1, 2005, the District shall not make any enhancements to pensions.

(c) Upon dissolution of the district: (i) all assets and liabilities of the Suburban Cook County Tuberculosis Sanitarium District dissolved under this amendatory Act of the 93rd General Assembly shall be transferred to the Cook County Board and the monetary assets shall be deposited into a special purpose fund for the care and treatment of tuberculosis in suburban Cook County; (ii) the Cook County Department of Public Health shall assume all responsibility for tuberculosis care and treatment of the Suburban Cook County Tuberculosis Sanitarium District dissolved under this amendatory Act of the 93rd General Assembly, including the provision of tuberculosis care and treatment for units of local government with State-certified local public health departments; and (iii) employees of the Suburban Cook County Tuberculosis Sanitarium District become employees of Cook County.

(d) The Cook County Board may transfer to the Cook County Forest Preserve District appropriate unimproved real estate owned by the Suburban Cook County Tuberculosis Sanitarium District at the time of its dissolution. After the dissolution of the District, any land owned by the District at the time of its dissolution remains subject to any leases and encumbrances that existed upon the dissolution of the District and, if the land is subject to a lease, the land may not be taken by any unit of government during the term of the lease.

(e) The Cook County Board may continue, discontinue, reduce, increase, suspend, resume, or reinstate any levy imposed by the dissolved Suburban Cook County Tuberculosis Sanitarium District and may expand the purpose of the levy to include emerging respiratory diseases, including, but not limited to severe acute respiratory syndrome and avian flu. All revenue collected by the Cook County Board as a result of the dissolution of the Suburban Cook County Tuberculosis Sanitarium District shall be collected for the purpose of the care and treatment of tuberculosis in Cook County, except that, if the Cook County Board expands the purpose of the levy to include emerging respiratory diseases, then only that portion of the revenue collected by the Cook County Board that exceeds the amount of revenue collected before the purpose was expanded shall be collected for the purpose of emerging respiratory diseases.

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

AMENDMENT NO. 3 . Amend House Bill 729, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 4, by replacing lines 2 through 17 with the following:

"(e) Upon the dissolution of the Suburban Cook County Tuberculosis Sanitarium District: (i) any levy imposed by the dissolved District is abolished and (ii) Cook County, as a home rule unit, may impose a levy for the purpose of the care and treatment of tuberculosis and emerging respiratory diseases, including,

but not limited to, severe acute respiratory syndrome and avian flu, in Cook County. In accordance with subsection (b) of Section 12 of the State Revenue Sharing Act, the tax base of the dissolved Suburban Cook County Tuberculosis Sanitarium District shall be added to the tax base of Cook County."

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 3 to HOUSE BILL 729 were placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 722

A bill for AN ACT in relation to transportation.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 722

Passed the Senate, as amended, May 18, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 722 by replacing the title with the following:

"AN ACT in relation to mental health."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Mental Health and Developmental Disabilities Code is amended by changing Sections 3-605 and 3-819 as follows:

(405 ILCS 5/3-605) (from Ch. 91 1/2, par. 3-605)

Sec. 3-605. (a) In counties with a population of 3,000,000 or more, upon receipt of a petition and certificate prepared pursuant to this Article, the county sheriff of the county in which a respondent is found shall take a respondent into custody and transport him to a mental health facility, or may make arrangements with another public or private entity including a licensed ambulance service to transport the respondent to the mental health facility. In the event it is determined by such facility that the respondent is in need of commitment or treatment at another mental health facility, the county sheriff shall transport the respondent to the appropriate mental health facility, or the county sheriff may make arrangements with another public or private entity including a licensed ambulance service to transport the respondent to the mental health facility.

(b) The county sheriff may delegate his duties under subsection (a) hereunder to another law enforcement body within that county if that law enforcement body agrees.

(b-5) In counties with a population under 3,000,000, upon receipt of a petition and certificate prepared pursuant to this Article, the Department shall make arrangements to appropriately transport the respondent to a mental health facility. In the event it is determined by the facility that the respondent is in need of commitment or treatment at another mental health facility, the Department shall make arrangements to appropriately transport the respondent to another mental health facility. The making of such arrangements and agreements with public or private entities is independent of the Department's role as a provider of mental health services and does not indicate that the respondent is admitted to any Department facility. In making such arrangements and agreements with other public or private entities, the Department shall include provisions to ensure (i) the provision of trained personnel and the use of an appropriate vehicle for the safe transport of the respondent and (ii) that the respondent's insurance carrier as well as other programs, both public and private, that provide payment for such transportation services are fully utilized to the maximum extent possible.

The Department may not make arrangements with an existing hospital or grant-in-aid or fee-for-service community provider for transportation services under this Section unless the hospital or provider has voluntarily submitted a proposal for its transportation services. This requirement does not eliminate or reduce any responsibility on the part of a hospital or community provider to ensure transportation that may arise independently through other State or federal law or regulation.

(c) The transporting authority acting in good faith and without negligence in connection with the transportation of respondents shall incur no liability, civil or criminal, by reason of such transportation.

(d) The respondent and the estate of that respondent are liable for the payment of transportation costs for transporting the respondent to a mental health facility. If the respondent is a beneficiary of a trust described in Section 15.1 of the Trusts and Trustees Act, the trust shall not be considered a part of the respondent's estate and shall not be subject to payment for transportation costs for transporting the respondent to a mental health facility under this Section except to the extent permitted under Section 15.1 of the Trusts and Trustees Act. If the respondent is unable to pay or if the estate of the respondent is insufficient, the responsible relatives are severally liable for the payment of those sums or for the balance due in case less than the amount owing has been paid. If the respondent is covered by insurance, the insurance carrier shall be liable for payment to the extent authorized by the respondent's insurance policy.

(Source: P.A. 87-1158.)

(405 ILCS 5/3-819) (from Ch. 91 1/2, par. 3-819)

Sec. 3-819. (a) In counties with a population of 3,000,000 or more, when a recipient is hospitalized upon court order, the order may authorize a relative or friend of the recipient to transport the recipient to the facility if such person is able to do so safely and humanely. When the Department indicates that it has transportation to the facility available, the order may authorize the Department to transport the recipient there. The court may order the sheriff of the county in which such proceedings are held to transport the recipient to the facility. When a recipient is hospitalized upon court order, and the recipient has been transported to a mental health facility, other than a state-operated mental health facility, and it is determined by the facility that the recipient is in need of commitment or treatment at another mental health facility, the court shall determine whether a relative or friend of the recipient or the Department is authorized to transport the recipient between facilities, or whether the county sheriff is responsible for transporting the recipient between facilities. The sheriff may make arrangements with another public or private entity including a licensed ambulance service to transport the recipient to the facility. The transporting entity acting in good faith and without negligence in connection with the transportation of recipients shall incur no liability, civil or criminal, by reason of such transportation.

(a-5) In counties with a population under 3,000,000, when a recipient is hospitalized upon court order, the order may authorize a relative or friend of the recipient to transport the recipient to the facility if the person is able to do so safely and humanely. The court may order the Department to transport the recipient to the facility. When a recipient is hospitalized upon court order, and the recipient has been transported to a mental health facility other than a State-operated mental health facility, and it is determined by the facility that the recipient is in need of commitment or treatment at another mental health facility, the court shall determine whether a relative or friend of the recipient is authorized to transport the recipient between facilities, or whether the Department is responsible for transporting the recipient between facilities. If the court determines that the Department is responsible for the transportation, the Department shall make arrangements either directly or through agreements with another public or private entity, including a licensed ambulance service, to appropriately transport the recipient to the facility. The making of such arrangements and agreements with public or private entities is independent of the Department's role as a provider of mental health services and does not indicate that the recipient is admitted to any Department facility. In making such arrangements and agreements with other public or private entities, the Department shall include provisions to ensure (i) the provision of trained personnel and the use of an appropriate vehicle for the safe transport of the recipient and (ii) that the recipient's insurance carrier as well as other programs, both public and private, that provide payment for such transportation services are fully utilized to the maximum extent possible.

The Department may not make arrangements with an existing hospital or grant-in-aid or fee-for-service community provider for transportation services under this Section unless the hospital or provider has voluntarily submitted a proposal for its transportation services. This requirement does not eliminate or reduce any responsibility on the part of a hospital or community provider to ensure transportation that may arise independently through other State or federal law or regulation.

A transporting entity acting in good faith and without negligence in connection with the transportation of a recipient incurs no liability, civil or criminal, by reason of that transportation.

(b) ~~The court may authorize the~~ transporting entity ~~may~~ bill the recipient, the estate of the recipient, legally responsible relatives, or insurance carrier for the cost of providing transportation of the recipient to a mental health facility. The recipient and the estate of the recipient are liable for the payment of transportation costs for transporting the recipient to a mental health facility. If the recipient is a beneficiary of a trust described in Section 15.1 of the Trusts and Trustees Act, the trust shall not be considered a part of

the recipient's estate and shall not be subject to payment for transportation costs for transporting the recipient to a mental health facility under this section, except to the extent permitted under Section 15.1 of the Trusts and Trustees Act. If the recipient is unable to pay or if the estate of the recipient is insufficient, the responsible relatives are severally liable for the payment of those sums or for the balance due in case less than the amount owing has been paid. If the recipient is covered by insurance, the insurance carrier shall be liable for payment to the extent authorized by the recipient's insurance policy.

(c) Upon the delivery of a recipient to a facility, in accordance with the procedure set forth in this Article, the facility director of the facility shall sign a receipt acknowledging custody of the recipient and for any personal property belonging to him, which receipt shall be filed with the clerk of the court entering the hospitalization order.

(Source: P.A. 87-1158; 88-380.)

Section 99. Effective date. This Act takes effect January 1, 2005."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 722 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 690

A bill for AN ACT concerning public health.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 690

Senate Amendment No. 2 to HOUSE BILL NO. 690

Passed the Senate, as amended, May 18, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 690 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-700 as follows:

(20 ILCS 2310/2310-700 new)

Sec. 2310-700. Minority Health and Medical Careers Program.

(a) The purpose of this Section is to establish a program in the Illinois Department of Public Health to study and develop a statewide network of innovative programs conducted in conjunction with professional schools that attempt to increase the number of qualified minority applicants to and graduates of medical and other professional schools.

(b) The Department of Public Health, in consultation with the Board of Higher Education, shall undertake a study to identify the existing programs in the State to increase the number of qualified minority health care professionals, any geographic areas not served by these programs, the effectiveness of existing programs, and recommendations for improving the effectiveness of existing programs. The Department of Public Health shall deliver this study to the General Assembly and the Governor on or before December 31, 2003. Based upon this study, the Department shall establish a statewide network of existing programs and encourage the development of these programs for both urban and rural areas of the State not served.

(c) The Department may provide grants, subject to appropriations, to those programs conducted by professional schools that have at least 500 participants from elementary school to graduate school.

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

AMENDMENT NO. 2. Amend House Bill 690, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 11-8 as follows:

(305 ILCS 5/11-8) (from Ch. 23, par. 11-8)

Sec. 11-8. Appeals - to whom taken. Applicants or recipients of aid may, at any time within 60 days after the decision of the County Department or local governmental unit, as the case may be, appeal a decision denying or terminating aid, or granting aid in an amount which is deemed inadequate, or changing, cancelling, revoking or suspending grants as provided in Section 11-16, or determining to make a protective payment under the provisions of Sections 3-5a or 4-9, or a decision by an administrative review board to impose administrative safeguards as provided in Section 8A-8. An appeal shall also lie when an application is not acted upon within the time period after filing of the application as provided by rule of the Illinois Department.

If an appeal is not made, the action of the County Department or local governmental unit shall be final. Appeals by applicants or recipients under Articles III, IV, or V shall be taken to the Illinois Department.

Appeals by applicants or recipients under Article VI shall be taken as follows:

(1) In counties under township organization (except such counties in which the governing authority is a Board of Commissioners) appeals shall be to a Public Aid Committee consisting of the Chairman of the County Board, and 4 members who are township supervisors of general assistance, appointed by the Chairman, with the advice and consent of the county board.

(2) In counties in excess of 3,000,000 population and under township organization in which the governing authority is a Board of Commissioners, appeals of persons from government units outside the corporate limits of a city, village or incorporated town of more than 500,000 population, and of persons from incorporated towns which have superseded civil townships in respect to aid under Article VI, shall be to the Cook County Townships Public Aid Committee consisting of 2 township supervisors and 3 persons knowledgeable in the area of General Assistance and the regulations of the Illinois Department pertaining thereto and who are not officers, agents or employees of any township, except that township supervisors may serve as members of the Cook County Township Public Aid and Committee. The 5 member committee shall be appointed by the township supervisors. The first appointments shall be made with one person serving a one year term, 2 persons serving a 2 year term, and 2 persons serving a 3 year term. Committee members shall thereafter serve 3 year terms. In any appeal involving a local governmental unit whose supervisor of general assistance is a member of the Committee, such supervisor shall not act as a member of the Committee for the purposes of such appeal, and the Committee shall select another township supervisor to serve as an alternate member for that appeal. The township whose action, inaction, or decision is being appealed shall bear the expenses related to the appeal as determined by the Cook County Townships Public Aid Committee. A township supervisor's compensation for general assistance or township related duties shall not be considered an expense related to the appeal except for expenses related to service on the Committee.

(3) In counties described in paragraph (2) appeals of persons from a city, village or incorporated town of more than 500,000 population shall be to the Illinois Department.

(4) In counties not under township organization, appeals shall be to the County Board of Commissioners which shall for this purpose be the Public Aid Committee of the County.

In counties designated in paragraph (1) the Chairman or President of the County Board shall appoint, with the advice and consent of the county board, one or more alternate members of the Public Aid Committee. All regular and alternate members shall be Supervisors of General Assistance. In any appeal involving a local governmental unit whose Supervisor of General Assistance is a member of the Committee, he shall be replaced for that appeal by an alternate member designated by the Chairman or President of the County Board, with the advice and consent of the county board. In these counties not more than 3 of the 5 regular appointees shall be members of the same political party unless the political composition of the Supervisors of the General Assistance precludes such a limitation. In these counties at least one member of the Public Aid Committee shall be a person knowledgeable in the area of general assistance and the regulations of the Illinois Department pertaining thereto. If no member of the Committee possesses such knowledge, the Illinois Department shall designate an employee of the Illinois Department having such knowledge to be present at the Committee hearings to advise the Committee.

In every county the County Board shall provide facilities for the conduct of hearings on appeals under Article VI. All expenses incident to such hearings shall be borne by the county except that in counties under township organization in which the governing authority is a Board of Commissioners (1) the salary and other expenses of the Commissioner of Appeals shall be paid from General Assistance funds available for administrative purposes, and (2) all expenses incident to such hearings shall be borne by the township and the per diem and traveling expenses of the township supervisors serving on the Public Aid Committee shall be fixed and paid by their respective townships. In all other counties the members of the Public Aid

Committee shall receive the compensation and expenses provided by law for attendance at meetings of the County Board.

In appeals under Article VI involving a governmental unit receiving State funds, the Public Aid Committee and the Commissioner of Appeals shall be bound by the rules and regulations of the Illinois Department which are relevant to the issues on appeal, and shall file such reports concerning appeals as the Illinois Department requests.

The members of each Public Aid Committee and the members of the Cook County Townships Public Aid Committee are immune from personal liability in connection with their service on the committee to the same extent as an elected or appointed judge in this State is immune from personal liability in connection with the performance of his or her duties as judge.

An appeal shall be without cost to the appellant and shall be made, at the option of the appellant, either upon forms provided and prescribed by the Illinois Department or, for appeals to a Public Aid Committee, upon forms prescribed by the County Board; or an appeal may be made by calling a toll-free number provided for that purpose by the Illinois Department and providing the necessary information. The Illinois Department may assist County Boards or a Commissioner of Appeals in the preparation of appeal forms, or upon request of a County Board or Commissioner of Appeals may furnish such forms. County Departments and local governmental units shall render all possible aid to persons desiring to make an appeal. The provisions of Sections 11-8.1 to 11-8.7, inclusive, shall apply to all such appeals.

(Source: P.A. 92-111, eff. 1-1-02; 93-295, eff. 7-22-03.)

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

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 690 were placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 4996

A bill for AN ACT concerning veterans.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 4996

Senate Amendment No. 3 to HOUSE BILL NO. 4996

Passed the Senate, as amended, May 19, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1 . Amend House Bill 4996 on page 3, after line 6, by inserting the following:

"Section 90. The Military Code of Illinois is amended by changing Section 22-9 as follows:

(20 ILCS 1805/22-9)

Sec. 22-9. Power to make grants from the Illinois Military Family Relief Fund. Subject to appropriation, the Department of Military Affairs shall have the power to make grants from the Illinois Military Family Relief Fund, a special fund created in the State treasury, to single persons who are members of the Illinois National Guard or Illinois residents who are members of the reserves of the armed forces of the United States and who have been called to active duty as a result of the September 11, 2001 terrorist attacks and to families of persons who are members of the Illinois National Guard or Illinois residents who are members of the reserves of the armed forces of the United States and who have been called to active duty as a result of the September 11, 2001 terrorist attacks. The Department of Military Affairs shall establish eligibility criteria for the grants by rule.

In addition to amounts transferred into the Fund under Section 510 of the Illinois Income Tax Act, the State Treasurer shall accept and deposit into the Fund all gifts, grants, transfers, appropriations, and other amounts from any legal source, public or private, that are designated for deposit into the Fund.

(Source: P.A. 92-886, eff. 2-7-03; 93-506, eff. 8-11-03.)".

AMENDMENT NO. 3 . Amend House Bill 4996, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Military Code of Illinois is amended by changing Section 22-9 as follows:

(20 ILCS 1805/22-9)

Sec. 22-9. Power to make grants from the Illinois Military Family Relief Fund. Subject to appropriation, the Department of Military Affairs shall have the power to make grants from the Illinois Military Family Relief Fund, a special fund created in the State treasury, to single persons who are members of the Illinois National Guard or Illinois residents who are members of the reserves of the armed forces of the United States and who have been called to active duty as a result of the September 11, 2001 terrorist attacks and to families of persons who are members of the Illinois National Guard or Illinois residents who are members of the reserves of the armed forces of the United States and who have been called to active duty as a result of the September 11, 2001 terrorist attacks. The Department of Military Affairs shall establish eligibility criteria for the grants by rule.

In addition to amounts transferred into the Fund under Section 510 of the Illinois Income Tax Act, the State Treasurer shall accept and deposit into the Fund all gifts, grants, transfers, appropriations, and other amounts from any legal source, public or private, that are designated for deposit into the Fund.

(Source: P.A. 92-886, eff. 2-7-03; 93-506, eff. 8-11-03.)

Section 10. The Survivors Compensation Act is amended by adding Section 4 as follows:

(330 ILCS 100/4 new)

Sec. 4. Compensation in connection with deceased veterans of the Global War on Terrorism.

(a) The widow or widower, child or children, mother, father, persons standing in loco parentis, brothers and sisters, in the order named, of any deceased person if (i) that person was a resident of Illinois for at least 12 months immediately preceding entry into military service and (ii) that person's death was service-connected as a result of hostile action on or after September 11, 2001 and prior to such time as Congress declares such persons ineligible for the Global War on Terrorism Expeditionary Medal or the Global War on Terrorism Service Medal shall be paid \$3,000.

(b) If a preceding beneficiary fails to file a claim of compensation after the official notice of death, the Department of Veterans' Affairs may accept applications from succeeding beneficiaries, and such beneficiaries may then proceed to qualify upon submission of satisfactory proof of eligibility.

(c) No right or claim to compensation under this Section may be assigned.

(d) The Illinois Department of Veterans' Affairs has complete charge and control of the general scheme of payments authorized by this Section and shall adopt general rules for the making of those payments, for the ascertainment and selection of proper beneficiaries and the amount to which those beneficiaries are entitled, and for procedure.

(e) If the person to whom compensation is payable under this Section is under legal disability, the compensation shall be paid to the person legally vested with the care of the legally disabled person under the laws of his or her state of residence. If no such person has been so designated for the legally disabled person, payment shall be made to the chief officer of any hospital or institution under the supervision or control of any state or of the Veterans Administration of the United States in which the legally disabled person is placed, if the officer is authorized to accept moneys for the benefit of the incompetent. Any payments so made shall be held or used solely for the benefit of the legally disabled person.

As used in this Section, a person "under legal disability" means any person found to be so disabled by a court of competent jurisdiction of any state or the District of Columbia or by any adjudication officer of the Veterans Administration of the United States.

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

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 3 to HOUSE BILL 4996 were placed on the Calendar on the order of Concurrence.

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

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 4977

A bill for AN ACT concerning taxpayers.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 4977

Passed the Senate, as amended, May 19, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 4977 on page 2, by replacing lines 19-22 with the following:

"to provide in writing to the taxpayer (i) the audit findings and (ii), unless the taxpayer declines, the audit methods and procedures (but not information concerning audit selection methods). The auditor must, at the request of the taxpayer, provide written information as to what records constitute the minimum requirements for record-keeping. If the auditor recommends changes in the record-keeping process, these recommendations must be provided in writing to the taxpayer."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 4977 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 4771

A bill for AN ACT concerning criminal law.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 4771

Passed the Senate, as amended, May 19, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 4771 on page 1, by replacing lines 23 through 29 with the following:

~~"(c) (Blank). Prosecution of a spouse of a victim under this subsection for any violation by the victim's spouse of Section 12-13, 12-14, 12-15 or 12-16 of this Code is barred unless the victim reported such offense to a law enforcement agency or the State's Attorney's office within 30 days after the offense was committed, except when the court finds good cause for the delay."~~

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 4771 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 4502

A bill for AN ACT in relation to persons with disabilities.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 3 to HOUSE BILL NO. 4502
Passed the Senate, as amended, May 19, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 3 . Amend House Bill 4502 by replacing everything after the enacting clause with the following:

"Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by changing Section 57 as follows:

(20 ILCS 1705/57) (from Ch. 91 1/2, par. 100-57)

Sec. 57. ~~In order to identify the service needs of persons with autism, the Department shall study the needs of the population.~~ The Department of Human Services shall periodically convene a special task force of representatives of the various State agencies with related programs and services together with other interested parties and stakeholders to study and assess ~~submit~~ service needs of persons with autism reports to the General Assembly annually which shall supplement the report submitted in accordance with Public Act 84-1291. The Secretary of Human Services shall submit a report of the task force's findings and recommendations and the Secretary's priorities to the Governor and the General Assembly by September 1, 2005. The Secretary shall provide annual progress reports to the Governor and the General Assembly by January 1 of each year, beginning on January 1, 2006. The reports shall include an analysis of progress made in ~~since the submission of that report in the areas outlined in that report, with emphasis on~~ the following areas:

- a. Early intervention services for children with autism and their parents;
- b. Enhancement of family support mechanisms to enable persons with autism to remain in a home-based or community family home environment in the least-restrictive setting possible, including progress on the implementation of plans to provide assistance to individuals and families; the plan shall include, but not be limited to, (i) identification of the services required, (ii) the availability of services, especially those within the home community of the person with autism, (iii) the number of persons requiring the services, (iv) the cost of the services, (v) the capacity of the person with autism and his or her family to independently provide the services and the extent to which the State may support the individual and family effort, (vi) the extent of existing and planned State support, (vii) the availability and utilization of federal financial participation in the cost of services, and (viii) the outcomes and impact of services being provided;
- c. Services for adequate transition for people with autism from public school programs to adult work and day programs; and
- d. Plans, programs, and services under the Disabilities Services Act of 2003 ~~Facilitation of placement of persons with autism in the least restrictive community setting.~~

The Department of Human Services and the Department of Public Aid shall determine the availability of federal financial participation in the cost of developing a family support program, which would include medical assistance coverage for children diagnosed with autism who would otherwise qualify for medical assistance under the Illinois Public Aid Code except for family income. The program would include services to support persons with autism in their homes and communities that are not provided through local school systems, early intervention programs, or the medical assistance program under the Illinois Public Aid Code. The departments shall determine the feasibility of obtaining federal financial participation and may apply for any applicable waiver under Section 1915(c) of the federal Social Security Act.

For the purpose of this service needs review, autism means a severely incapacitating life-long developmental disability which:

- a. may be manifested before a person is 30 months of age,
- b. may be caused by physical disorders of the brain, and
- c. is characterized by uneven intellectual development and a combination of disturbances in the rates and sequences of cognitive, affective, psychomotor, language and speech development. This syndrome is further evidenced by abnormal responses to sensory stimuli, problems in developing social relationships, and ritualistic and compulsive behavior.

(Source: P.A. 85-971.)

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

The foregoing message from the Senate reporting Senate Amendment No. 3 to HOUSE BILL 4502 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:
HOUSE BILL 4280

A bill for AN ACT concerning special assessments.
Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 4280
Senate Amendment No. 2 to HOUSE BILL NO. 4280
Passed the Senate, as amended, May 19, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1 . Amend House Bill 4280 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by adding Section 9-2-4.5 as follows:

(65 ILCS 5/9-2-4.5 new)

Sec. 9-2-4.5. Special assessment for payment of costs associated with certain ordinance violations.

(a) For purposes of this Section, "Code" means any municipal ordinance that requires, after notice, the cutting of weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, or the abatement of nuisances from private property.

(b) In addition to any other method authorized by law, if (i) a property owner is cited with a Code violation, (ii) non-compliance is found upon reinspection of the property after the due date for compliance with an order to correct the ordinance violation or with an order for abatement, and (iii) costs for services rendered by the municipality to correct the violation remain unpaid at the point in time that they would become a debt due and owing the municipality, then those costs may be collected as a special assessment on the property under this Division. However, on the date of closing of a sale of property on which a special assessment has been assessed under this Section, a lien shall be imposed on the property in the amount of the special assessment that is due and owing the municipality on the date of closing."

AMENDMENT NO. 2 . Amend House Bill 4280, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by adding Section 9-2-4.5 as follows:

(65 ILCS 5/9-2-4.5 new)

Sec. 9-2-4.5. Special assessment for payment of costs associated with certain ordinance violations.

(a) For purposes of this Section, "Code" means any municipal ordinance that requires, after notice, the cutting of grass and weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, and rodent and vermin abatement.

(b) In addition to any other method authorized by law, if (i) a property owner is cited with a Code violation, (ii) non-compliance is found upon reinspection of the property after the due date for compliance with an order to correct the Code violation or with an order for abatement, (iii) costs for services rendered by the municipality to correct the Code violation remain unpaid at the point in time that they would become a debt due and owing the municipality, as provided in Division 31.1 of Article 11 of the Illinois Municipal Code, and (iv) a lien has been filed of record by the municipality in the office of the recorder in the county in which the property is located, then those costs may be collected as a special assessment on the property under this Division. Upon payment of the costs by the owner of record or persons interested in the property, the lien shall be released by the municipality and the release shall be filed of record in the same manner as the filing of notice of the lien."

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 4280 were placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 2981

A bill for AN ACT concerning the regulation of professions.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 2 to HOUSE BILL NO. 2981

Passed the Senate, as amended, May 19, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2 . Amend House Bill 2981 by replacing everything after the enacting clause with the following:

"Section 5. The Acupuncture Practice Act is amended by changing Sections 10, 15, 40, and 110 as follows:

(225 ILCS 2/10)

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

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

"Acupuncture" means the evaluation or treatment of persons affected through a method of stimulation of a certain point or points on or immediately below the surface of the body by the insertion of pre-sterilized, single-use, disposable needles, unless medically contraindicated, with or without the application of heat, electronic stimulation, or manual pressure to prevent or modify the perception of pain, to normalize physiological functions, or for the treatment of certain diseases or dysfunctions of the body. Acupuncture does not include radiology, electrosurgery, chiropractic technique, physical therapy, naprapathic technique, use or prescribing of any drugs, medications, herbal preparations, nutritional supplements, serums, or vaccines, or determination of a differential diagnosis. An acupuncturist registered under this Act who is not also licensed as a physical therapist under the Illinois Physical Therapy Act shall not hold himself or herself out as being qualified to provide physical therapy or physiotherapy services. An acupuncturist shall refer to a licensed physician or dentist, any patient whose condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the acupuncturist.

"Acupuncturist" means a person who practices acupuncture and who is licensed by the Department.

"Board" means the Board of Acupuncture.

"Dentist" means a person licensed under the Illinois Dental Practice Act.

"Department" means the Department of Professional Regulation.

"Director" means the Director of Professional Regulation.

"Physician" means a person licensed under the Medical Practice Act of 1987.

"Referral by written order" for purposes of this Act means a diagnosis, substantiated by signature of a physician or dentist, identifying that a patient's condition and recommending treatment is such that it may be treated by acupuncture as defined in this Act. The diagnosis shall remain in effect until changed by the physician or dentist who may, through express direction in the referral, shall maintain management of the patient.

"State" includes:

- (1) the states of the United States of America;
- (2) the District of Columbia; and
- (3) the Commonwealth of Puerto Rico.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/15)

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

Sec. 15. Who may practice acupuncture. No person licensed under this Act may treat human ailments

otherwise than by the practice of acupuncture as defined in this Act; ~~and no person licensed under this Act may practice acupuncture on another person without having on file a written referral order from a physician or dentist licensed in Illinois.~~ A physician or dentist licensed in Illinois may practice acupuncture. A physician or a dentist may refer by written order a patient to an acupuncturist for the practice of acupuncture as defined in this Act and may, through express direction in the referral, maintain management of the patient. Nothing in this Act shall be construed to require a referral of a patient to an acupuncturist for evaluation and treatment based on acupuncture principles and techniques as taught by schools accredited by the Accreditation Commission for Acupuncture and Oriental Medicine or a similar accrediting body approved by the Department. An acupuncturist shall refer to a licensed physician or dentist any patient whose condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the acupuncturist.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

(225 ILCS 2/40)

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

Sec. 40. Application for licensure. Applications for original licensure as an acupuncturist shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable.

Until December 31, 2001, applicants shall submit with the application proof of passing the National Certification Commission for Acupuncture and Oriental Medicine ~~National Commission for the Certification of Acupuncturists~~ examination or a substantially equivalent examination approved by the Department or meeting any other qualifications established by the Department.

On and after January 1, 2002, the Department shall issue a license to an applicant who submits with the application proof of each of the following:

(1)(A) graduation from a school accredited by the Accreditation Commission for Acupuncture and Oriental Medicine ~~National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine~~ or a similar accrediting body

approved by the Department; or (B) completion of a comprehensive educational program approved by the Department; and

(2) passing the National Certification Commission for Acupuncture and Oriental Medicine ~~National Commission for the Certification of Acupuncturists~~ examination or a substantially equivalent examination approved by the

Department.

An applicant has 3 years from the date of his or her application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97; 90-723, eff. 1-1-99.)

(225 ILCS 2/110)

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

Sec. 110. Grounds for disciplinary action.

(a) The Department may refuse to issue or to renew, place on probation, suspend, revoke or take other disciplinary action as deemed appropriate including the imposition of fines not to exceed \$5,000 for each violation, as the Department may deem proper, with regard to a license for any one or combination of the following causes:

(1) Violations of the Act or its rules.

(2) Conviction of any crime under the laws of any U.S. jurisdiction that is (i) a felony, (ii) a misdemeanor, an essential element of which is dishonesty, or (iii) directly related to the practice of the profession.

(3) Making any misrepresentation for the purpose of obtaining a license.

(4) Aiding or assisting another person in violating any provision of this Act or its rules.

(5) Failing to provide information within 60 days in response to a written request made by the Department which has been sent by certified or registered mail to the licensee's last known address.

(6) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to one set forth in this Section.

(7) Solicitation of professional services by means other than permitted under this Act.

(8) Failure to provide a patient with a copy of his or her record upon the written

request of the patient.

(9) Gross negligence in the practice of acupuncture.

(10) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in an acupuncturist's inability to practice with reasonable judgment, skill, or safety.

(11) A finding that licensure has been applied for or obtained by fraudulent means.

(12) A pattern of practice or other behavior that demonstrates incapacity or incompetence to practice under this Act.

(13) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or a neglected child as defined in the Abused and Neglected Child Reporting Act.

(14) Wilfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act.

(15) The use of any words, abbreviations, figures or letters (such as Acupuncturist, Licensed Acupuncturist, Certified Acupuncturist, C.A., Act., Lic. Act., or Lic. Ac.) with the intention of indicating practice as a licensed acupuncturist without a valid license as an acupuncturist issued under this Act.

(16) Using testimonials or claims of superior quality of care to entice the public or advertising fee comparisons of available services with those of other persons providing acupuncture services.

(17) Advertising of professional services that the offeror of the services is not licensed to render. Advertising of professional services that contains false, fraudulent, deceptive, or misleading material or guarantees of success, statements that play upon the vanity or fears of the public, or statements that promote or produce unfair competition.

(18) Having treated ailments of human beings other than by the practice of acupuncture as defined in this Act, or having treated ailments of human beings as a licensed acupuncturist pursuant to independent of a written referral by written order that provides for management of the patient by from a physician or dentist without having notified, ~~or having failed to notify~~ the physician or dentist who established the diagnosis that the patient is receiving acupuncture treatment ~~pursuant to that diagnosis~~.

(19) Unethical, unauthorized, or unprofessional conduct as defined by rule.

(20) Physical illness including but not limited to deterioration through the aging process, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill, and safety.

(21) Violation of the Health Care Worker Self-Referral Act.

The entry of an order by a circuit court establishing that any person holding a license under this Act is subject to involuntary admission or judicial admission as provided for in the Mental Health and Developmental Disabilities Code operates as an automatic suspension of that license. That person may have his or her license restored only upon the determination by a circuit court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient and upon the Board's recommendation to the Department that the license be restored. Where the circumstances so indicate, the Board may recommend to the Department that it require an examination prior to restoring a suspended license.

The Department may refuse to issue or renew the license of any person who fails to (i) file a return or to pay the tax, penalty or interest shown in a filed return or (ii) pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue, until the time that the requirements of that tax Act are satisfied.

In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the

individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Director for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97.)

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

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 2981 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:
HOUSE BILL 1300
A bill for AN ACT in relation to county government.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 1300
Passed the Senate, as amended, May 19, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1 . Amend House Bill 1300 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 5-1101 as follows:

(55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

Sec. 5-1101. Additional fees to finance court system. A county board may enact by ordinance or resolution the following fees:

(a) A \$5 fee to be paid by the defendant on a judgment of guilty or a grant of supervision for violation of the Illinois Vehicle Code other than Section 11-501 or violations of similar provisions contained in county or municipal ordinances committed in the county, and up to a \$30 fee to be paid by the defendant on a judgment of guilty or a grant of supervision for violation of Section 11-501 of the Illinois Vehicle Code or a violation of a similar provision contained in county or municipal ordinances committed in the county.

(b) In the case of a county having a population of 1,000,000 or less, a \$5 fee to be collected in all civil cases by the clerk of the circuit court.

(c) A fee to be paid by the defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections, as follows:

- (1) for a felony, \$50;
- (2) for a class A misdemeanor, \$25;
- (3) for a class B or class C misdemeanor, \$15;
- (4) for a petty offense, \$10;
- (5) for a business offense, \$10.

(d) A \$100 fee for the second and subsequent violations of Section 11-501 of the Illinois Vehicle Code or violations of similar provisions contained in county or municipal ordinances committed in the county. The proceeds of this fee shall be placed in the county general fund and used to finance education programs related to driving under the influence of alcohol or drugs.

(d-5) A \$10 fee to be paid by the defendant on a judgment of guilty or a grant of supervision under Section 5-9-1 of the Unified Code of Corrections to be placed in the county general fund and used to finance the county mental health court.

(e) The proceeds of all fees enacted under this Section shall, except as provided in subsections ~~subsection~~ (d) and (d-5), be placed in the county general fund and used to finance the court system in the county, unless the fee is subject to disbursement by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(Source: P.A. 87-670; 87-1075; 87-1230; 88-45.)".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 1300 was placed on the Calendar on the order of Concurrence.

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

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 2268

A bill for AN ACT to create the Health Care Justice Act.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 2268

Senate Amendment No. 2 to HOUSE BILL NO. 2268

Senate Amendment No. 4 to HOUSE BILL NO. 2268

Passed the Senate, as amended, May 19, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 2268 on page 2 by replacing lines 28 through 33 with the following:

"the Secretary of Human Services or his designee, all of whom shall be ex-officio non-voting members. Voting members of the Commission shall include one member appointed by the President of the Senate, one member appointed by the Minority Leader of the Senate, one member appointed by the Speaker of the House of Representatives, and one member appointed by the Minority Leader of the House of Representatives. The remaining 21 members shall be appointed by the Governor and shall include health care consumers including individuals with disabilities, and persons over the age of 65, advocates for health care consumers, health care providers, physicians including family physicians, health care administrators, representatives from the business community, economists, representatives of organized labor, nurses, social workers, representatives of statewide advocacy organizations for persons with disabilities, and representatives of statewide advocacy organizations for senior citizens. Appointment of members of the Commission shall ensure proportional representation with respect to geography, ethnicity, race, gender, and age. The Commission shall have a chairperson and a vice-chairperson who shall be elected by the voting members at the first meeting of the Commission. The members of the Commission shall be appointed within 90 days of the effective date of this Act. The State agencies represented on the Commission shall work cooperatively to provide administrative support for the Commission."; and on page 3 by deleting lines 1 through 23; and

on page 4 by replacing line 2 with the following:

"Department of Public Health, subject to appropriation or the availability of other funds for such purposes and using a public request for"; and

on page 4 by replacing line 33 with the following:

"make recommendations that shall be considered by the General Assembly as the basis for a health".

AMENDMENT NO. 2 . Amend House Bill 2268, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Health Care Justice Act.

Section 5. Legislative findings. The General Assembly recognizes that the U.S. census reported that on any given day an estimated 1,800,000 Illinoisans are without health insurance, and according to a March 2003 Robert Wood Johnson study, nearly 30% of the non-elderly Illinois population (3,122,000) during all or a large part of 2001 or 2002 were uninsured; a growing number of Illinoisans are under-insured, the consumer's share of the cost of health insurance is growing, coverage in benefit packages is decreasing, and record numbers of consumer complaints are lodged against managed care companies regarding access to necessary health care services. The General Assembly believes that the State must work to assure access to quality health care for all residents of Illinois, and at the same time, the State must contain health care costs while maintaining and improving the quality of health care. The General Assembly finds that community-based primary health care services provided by a wide range of qualified health care providers is the most effective way to achieve the health and well-being of residents of Illinois.

Section 10. Policy. It is a policy goal of the State of Illinois to insure that all residents have access to quality health care at costs that are affordable.

Section 15. Health care access plan. On or before July 1, 2007, the State of Illinois is strongly encouraged to implement a health care access plan that does the following:

- (1) provides access to a full range of preventive, acute, and long-term health care services;
- (2) maintains and improves the quality of health care services offered to Illinois residents;
- (3) provides portability of coverage, regardless of employment status;
- (4) provides core benefits for all Illinois residents;
- (5) encourages regional and local consumer participation;
- (6) contains cost-containment measures;
- (7) provides a mechanism for reviewing and implementing multiple approaches to preventive medicine based on new technologies; and
- (8) promotes affordable coverage options for the small business market.

Section 20. Adequate Health Care Task Force. There is created an Adequate Health Care Task Force. The Task Force shall consist of 24 members, including the Director of Public Health or his or her designee, the Director of Aging or his or her designee, the Director of Public Aid or his or her designee, the Director of Insurance or his or her designee, and the Secretary of Human Services or his or her designee, all of whom shall be ex-officio non-voting members. The remaining 19 members of the Task Force shall be voting members and shall be appointed by the Governor, one from each congressional district in Illinois. These voting members shall be appointed to include representation of health care consumers, advocates for health care consumers, health care providers, health policy analysts, organized labor, the business community or a business association, economists, a statewide advocacy organization for persons with disabilities, physicians, nurses, social workers, a hospital or hospital network or association, an insurer or insurance group, and health care administrators. Appointment of members of the Task Force shall ensure proportional representation with respect to geography, ethnicity, race, gender, and age. The Task Force shall have a chairman and a vice-chairman who shall be elected by the voting members at the first meeting of the Task Force. The members of the Task Force shall be appointed within 30 days after the effective date of this Act. The departments of State government represented on the Task Force shall work cooperatively to provide administrative support for the Task Force; the Department of Public Health shall be the primary agency in providing that administrative support.

Section 25. Public hearings.

(a) The Task Force shall seek public input on the development of the health care access plan by holding a public hearing in each Illinois congressional district starting no later than January 1, 2005 and ending on November 30, 2005. Each State Representative and State Senator located in each such congressional district shall be invited to participate in the hearing in that district and help to gather input from interested

parties. A web site for the Task Force shall be developed and linked to the Governor's home page for input to be provided and to keep the public informed. The Task Force's web site shall be specifically highlighted and have independent pages reporting all activities and linkages for people to access. Minutes from all of the Task Force's meetings shall be available on the web site, and a hard copy of this information shall also be made available for those persons without access to the Task Force's web site. The Task Force may also consult with health care providers, health care consumers, and other appropriate individuals and organizations to assist in the development of the health care access plan.

(b) Not later than September 1, 2004, the Illinois Department of Public Health, subject to appropriation or the availability of other funds for such purposes and using a public request for proposals process, shall contract with an independent research entity experienced in assessing health care reforms, health care financing, and health care delivery models. Upon the request of at least one-fourth of the Task Force members, the research entity shall be available to the Task Force for the purpose of assessing financial costs and the different health care models being discussed. All inquiries made by Task Force members to the independent research entity shall be made available on the Task Force's web site.

Section 30. Final report. No later than March 15, 2006, the Task Force shall submit its final report on the health care access plan to the General Assembly and the Governor. The final report may recommend a combination of more than one type of plan and alternative methods of funding the plan. The final report by the Task Force shall make recommendations for a health care access plan or plans that would provide access to a full range of preventive, acute, and long-term health care services to residents of the State of Illinois by July 1, 2007, including:

- (1) an integrated system or systems of health care delivery;
- (2) incentives to be used to contain costs;
- (3) core benefits that would be provided under each type of plan;
- (4) reimbursement mechanisms for health care providers;
- (5) administrative efficiencies;
- (6) mechanisms for generating spending priorities based on multidisciplinary standards of care established by verifiable replicated research studies demonstrating quality and cost effectiveness of interventions, providers, and facilities;
- (7) methods for reducing the cost of prescription drugs both as part of, and as separate from, the health care access plan;
- (8) appropriate reallocation of existing health care resources;
- (9) equitable financing of each proposal; and
- (10) recommendations concerning the delivery of long-term care services, including:
 - (A) those currently covered under Title XIX of the Social Security Act;
 - (B) recommendations on potential cost sharing arrangements for long-term care services and the phasing in of such arrangements over time;
 - (C) consideration of the potential for utilizing informal care-giving by friends and family members;
 - (D) recommendations on cost-containment strategies for long-term care services;
 - (E) the possibility of using independent financing for the provision of long-term care services; and
 - (F) the projected cost to the State of Illinois over the next 20 years if no changes were made in the present system of delivering and paying for long-term care services.

Section 35. Further legislative action. No later than December 31, 2006, the General Assembly is strongly encouraged to vote on legislation that either enacts the Task Force's recommendation or provides for another health care access plan that meets the criteria set forth in Section 15.

Section 99. This Act takes effect July 1, 2004."

AMENDMENT NO. 4 . Amend House Bill 2268, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, by replacing lines 22 through 24 of page 1 and line 1 of page 2 with the following:

"health care."; and

by replacing lines 25 through 31 on page 2 and lines 1 through 12 on page 3 with the following:

"shall consist of 29 voting members appointed as follows: 5 shall be appointed by the Governor; 6 shall be appointed by the President of the Senate, 6 shall be appointed by the Minority Leader of the Senate, 6 shall be appointed by the Speaker of the House of Representatives, and 6 shall be appointed by the Minority Leader of the House of Representatives. The Task Force shall have a chairman and a"; and

on page 3, line 14, by inserting after the period the following with the following:

"The Director of Public Health or his or her designee, the Director of Aging or his or her designee, the Director of Public Aid or his or her designee, the Director of Insurance or his or her designee, and the Secretary of Human Services or his or her designee shall represent their respective departments and shall be invited to attend Task Force meetings, but shall not be members of the Task Force."

The foregoing message from the Senate reporting Senate Amendments numbered 1, 2 and 4 to HOUSE BILL 2268 were placed on the Calendar on the order of Concurrence.

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

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 753

A bill for AN ACT relating to schools.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 753

Passed the Senate, as amended, May 19, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1 . Amend House Bill 753 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 foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 753 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 578

A bill for AN ACT concerning the death penalty.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 578

Passed the Senate, as amended, May 19, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1 . Amend House Bill 578 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 3-9005 as follows:

(55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

Sec. 3-9005. Powers and duties of State's attorney.

(a) The duty of each State's attorney shall be:

(1) To commence and prosecute all actions, suits, indictments and prosecutions, civil and criminal, in the circuit court for his county, in which the people of the State or county may be concerned.

(2) To prosecute all forfeited bonds and recognizances, and all actions and proceedings for the recovery of debts, revenues, moneys, fines, penalties and forfeitures accruing to the State or his county, or to any school district or road district in his county; also, to prosecute all suits in his county

against railroad or transportation companies, which may be prosecuted in the name of the People of the State of Illinois.

- (3) To commence and prosecute all actions and proceedings brought by any county officer in his official capacity.
- (4) To defend all actions and proceedings brought against his county, or against any county or State officer, in his official capacity, within his county.
- (5) To attend the examination of all persons brought before any judge on habeas corpus, when the prosecution is in his county.
- (6) To attend before judges and prosecute charges of felony or misdemeanor, for which the offender is required to be recognized to appear before the circuit court, when in his power so to do.
- (7) To give his opinion, without fee or reward, to any county officer in his county, upon any question or law relating to any criminal or other matter, in which the people or the county may be concerned.
- (8) To assist the attorney general whenever it may be necessary, and in cases of appeal from his county to the Supreme Court, to which it is the duty of the attorney general to attend, he shall furnish the attorney general at least 10 days before such is due to be filed, a manuscript of a proposed statement, brief and argument to be printed and filed on behalf of the people, prepared in accordance with the rules of the Supreme Court. However, if such brief, argument or other document is due to be filed by law or order of court within this 10 day period, then the State's attorney shall furnish such as soon as may be reasonable.
- (9) To pay all moneys received by him in trust, without delay, to the officer who by law is entitled to the custody thereof.
- (10) To notify, by first class mail, complaining witnesses of the ultimate disposition of the cases arising from an indictment or an information.
- (11) To perform such other and further duties as may, from time to time, be enjoined on him by law.
- (12) To appear in all proceedings by collectors of taxes against delinquent taxpayers for judgments to sell real estate, and see that all the necessary preliminary steps have been legally taken to make the judgment legal and binding.

(b) The State's Attorney of each county shall have authority to appoint one or more special investigators to serve subpoenas, make return of process and conduct investigations which assist the State's Attorney in the performance of his duties. A special investigator shall not carry firearms except with permission of the State's Attorney and only while carrying appropriate identification indicating his employment and in the performance of his assigned duties.

Subject to the qualifications set forth in this subsection, special investigators shall be peace officers and shall have all the powers possessed by investigators under the State's Attorneys Appellate Prosecutor's Act.

No special investigator employed by the State's Attorney shall have peace officer status or exercise police powers unless he or she successfully completes the basic police training course mandated and approved by the Illinois Law Enforcement Training Standards Board or such board waives the training requirement by reason of the special investigator's prior law enforcement experience or training or both. Any State's Attorney appointing a special investigator shall consult with all affected local police agencies, to the extent consistent with the public interest, if the special investigator is assigned to areas within that agency's jurisdiction.

Before a person is appointed as a special investigator, his fingerprints shall be taken and transmitted to the Department of State Police. The Department shall examine its records and submit to the State's Attorney of the county in which the investigator seeks appointment any conviction information concerning the person on file with the Department. No person shall be appointed as a special investigator if he has been convicted of a felony or other offense involving moral turpitude. A special investigator shall be paid a salary and be reimbursed for actual expenses incurred in performing his assigned duties. The county board shall approve the salary and actual expenses and appropriate the salary and expenses in the manner prescribed by law or ordinance.

(c) The State's Attorney may request and receive from employers, labor unions, telephone companies, and utility companies location information concerning putative fathers and noncustodial parents for the purpose of establishing a child's paternity or establishing, enforcing, or modifying a child support obligation. In this subsection, "location information" means information about (i) the physical whereabouts of a putative father or noncustodial parent, (ii) the putative father or noncustodial parent's employer, or (iii) the salary, wages, and other compensation paid and the health insurance coverage provided to the putative

father or noncustodial parent by the employer of the putative father or noncustodial parent or by a labor union of which the putative father or noncustodial parent is a member.

(d) For each State fiscal year, the State's Attorney of Cook County shall appear before the General Assembly and request appropriations to be made from the Capital Litigation Trust Fund to the State Treasurer for the purpose of providing assistance in the prosecution of capital cases in Cook County and for the purpose of providing assistance to the State in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases. The State's Attorney may appear before the General Assembly at other times during the State's fiscal year to request supplemental appropriations from the Trust Fund to the State Treasurer.

(e) The State's Attorney shall have the authority to enter into a written agreement with the Department of Revenue for pursuit of civil liability under Section 17-1a of the Criminal Code of 1961 against persons who have issued to the Department checks or other orders in violation of the provisions of paragraph (d) of subsection (B) of Section 17-1 of the Criminal Code of 1961, with the Department to retain the amount owing upon the dishonored check or order along with the dishonored check fee imposed under the Uniform Penalty and Interest Act, with the balance of damages, fees, and costs collected under Section 17-1a of the Criminal Code of 1961 to be retained by the State's Attorney. The agreement shall not affect the allocation of fines and costs imposed in any criminal prosecution.

(Source: P.A. 91-589, eff. 1-1-00; 92-492, eff. 1-1-02.)

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 122-1 as follows:
(725 ILCS 5/122-1) (from Ch. 38, par. 122-1)

Sec. 122-1. Petition in the trial court.

(a) Any person imprisoned in the penitentiary may institute a proceeding under this Article if the person asserts that:

- (1) in the proceedings which resulted in his or her conviction there was a substantial denial of his or her rights under the Constitution of the United States or of the State of Illinois or both; or
- (2) the death penalty was imposed and there is newly discovered evidence not available to the person at the time of the proceeding that resulted in his or her conviction that establishes a substantial basis to believe that the defendant is actually innocent by clear and convincing evidence.

(a-5) A proceeding under paragraph (2) of subsection (a) may be commenced within a reasonable period of time after the person's conviction notwithstanding any other provisions of this Article. In such a proceeding regarding actual innocence, if the court determines the petition is frivolous or is patently without merit, it shall dismiss the petition in a written order, specifying the findings of fact and conclusions of law it made in reaching its decision. Such order of dismissal is a final judgment and shall be served upon the petitioner by certified mail within 10 days of its entry.

(b) The proceeding shall be commenced by filing with the clerk of the court in which the conviction took place a petition (together with a copy thereof) verified by affidavit. Petitioner shall also serve another copy upon the State's Attorney by any of the methods provided in Rule 7 of the Supreme Court. The clerk shall docket the petition for consideration by the court pursuant to Section 122-2.1 upon his or her receipt thereof and bring the same promptly to the attention of the court.

(c) Except as otherwise provided in subsection (a-5), if the petitioner is under sentence of death and a petition for writ of certiorari is filed, no proceedings under this Article shall be commenced more than 6 months after the conclusion of proceedings in the United States Supreme Court denial of a petition for certiorari to the United States Supreme Court on direct appeal, or more than 6 months from the date for filing such a petition if none is filed, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence. If a petition for certiorari is not filed, no proceedings under this Article shall be commenced more than 6 months from the date for filing a certiorari petition, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence.

When a defendant has a sentence other than death, no proceedings under this Article shall be commenced more than 6 months after the conclusion of proceedings in the United States Supreme Court denial of the Petition for Leave to Appeal to the Illinois Supreme Court, or more than 6 months from the date for filing such a petition if none is filed, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence. If a petition for certiorari is not filed, no proceedings under this Article shall be commenced more than 6 months from the date for filing a certiorari petition, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence. If a defendant does not file a direct appeal, the post-conviction petition shall be filed no later than 3 years from the date of conviction, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence.

This limitation does not apply to a petition advancing a claim of actual innocence.

(d) A person seeking relief by filing a petition under this Section must specify in the petition or its heading that it is filed under this Section. A trial court that has received a petition complaining of a conviction or sentence that fails to specify in the petition or its heading that it is filed under this Section need not evaluate the petition to determine whether it could otherwise have stated some grounds for relief under this Article.

(e) A proceeding under this Article may not be commenced on behalf of a defendant who has been sentenced to death without the written consent of the defendant, unless the defendant, because of a mental or physical condition, is incapable of asserting his or her own claim.

(f) Only one petition may be filed by a petitioner under this Article without leave of the court. Leave of court may be granted only if a petitioner demonstrates cause for his or her failure to bring the claim in his or her initial post-conviction proceedings and prejudice results from that failure. For purposes of this subsection (f): (1) a prisoner shows cause by identifying an objective factor that impeded his or her ability to raise a specific claim during his or her initial post-conviction proceedings; and (2) a prisoner shows prejudice by demonstrating that the claim not raised during his or her initial post-conviction proceedings so infected the trial that the resulting conviction or sentence violated due process.

(Source: P.A. 93-493, eff. 1-1-04; 93-605, eff. 11-19-03; revised 12-9-03.)

Section 15. The State Appellate Defender Act is amended by changing Section 10 as follows:

(725 ILCS 105/10) (from Ch. 38, par. 208-10)

Sec. 10. Powers and duties of State Appellate Defender.

(a) The State Appellate Defender shall represent indigent persons on appeal in criminal and delinquent minor proceedings, when appointed to do so by a court under a Supreme Court Rule or law of this State.

(b) The State Appellate Defender shall submit a budget for the approval of the State Appellate Defender Commission.

(c) The State Appellate Defender may:

(1) maintain a panel of private attorneys available to serve as counsel on a case basis;

(2) establish programs, alone or in conjunction with law schools, for the purpose of utilizing volunteer law students as legal assistants;

(3) cooperate and consult with state agencies, professional associations, and other groups concerning the causes of criminal conduct, the rehabilitation and correction of persons charged with and convicted of crime, the administration of criminal justice, and, in counties of less than 1,000,000 population, study, design, develop and implement model systems for the delivery of trial level defender services, and make an annual report to the General Assembly;

(4) provide investigative services to appointed counsel and county public defenders;

(5) in cases in which a death sentence is an authorized disposition, provide trial counsel with the assistance of expert witnesses, investigators, and mitigation specialists from funds appropriated to the State Appellate Defender specifically for that purpose by the General Assembly. The Office of State Appellate Defender shall not be appointed to serve as trial counsel in capital cases.

(d) For each State fiscal year, the State Appellate Defender shall appear before the General Assembly and request appropriations to be made from the Capital Litigation Trust Fund to the State Treasurer for the purpose of providing defense assistance in capital cases outside of Cook County and for expenses incurred by the the State Appellate Defender in representing petitioners in capital cases in post-conviction proceedings under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases and for the representation of those petitioners by attorneys approved by or contracted with the State Appellate Defender. The State Appellate Defender may appear before the General Assembly at other times during the State's fiscal year to request supplemental appropriations from the Trust Fund to the State Treasurer.

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

(Source: P.A. 91-589, eff. 1-1-00.)

Section 20. The Capital Crimes Litigation Act is amended by changing Section 15 as follows:

(725 ILCS 124/15)

Sec. 15. Capital Litigation Trust Fund.

(a) The Capital Litigation Trust Fund is created as a special fund in the State Treasury. The Trust Fund shall be administered by the State Treasurer to provide moneys for the appropriations to be made, grants to be awarded, and compensation and expenses to be paid under this Act. All interest earned from the investment or deposit of moneys accumulated in the Trust Fund shall, under Section 4.1 of the State Finance Act, be deposited into the Trust Fund.

(b) Moneys deposited into the Trust Fund shall not be considered general revenue of the State of Illinois.

(c) Moneys deposited into the Trust Fund shall be used exclusively for the purposes of providing funding for the prosecution and defense of capital cases and for providing funding for post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases as provided in this Act and shall not be appropriated, loaned, or in any manner transferred to the General Revenue Fund of the State of Illinois.

(d) Every fiscal year the State Treasurer shall transfer from the General Revenue Fund to the Capital Litigation Trust Fund an amount equal to the full amount of moneys appropriated by the General Assembly (both by original and supplemental appropriation), less any unexpended balance from the previous fiscal year, from the Capital Litigation Trust Fund for the specific purpose of making funding available for the prosecution and defense of capital cases and for the litigation expenses associated with post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases. The Public Defender and State's Attorney in Cook County, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General shall make annual requests for appropriations from the Trust Fund.

(1) The Public Defender in Cook County shall request appropriations to the State Treasurer for expenses incurred by the Public Defender and for funding for private appointed defense counsel in Cook County.

(2) The State's Attorney in Cook County shall request an appropriation to the State Treasurer for expenses incurred by the State's Attorney.

(3) The State Appellate Defender shall request a direct appropriation from the Trust Fund for expenses incurred by the State Appellate Defender in providing assistance to trial attorneys under item (c)(5) of Section 10 of the State Appellate Defender Act and for expenses incurred by the State Appellate Defender in representing petitioners in capital cases in post-conviction proceedings under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases and for the representation of those petitioners by attorneys approved by or contracted with the State Appellate Defender and an appropriation to the State Treasurer for payments from the Trust Fund for the defense of cases in counties other than Cook County.

(4) The State's Attorneys Appellate Prosecutor shall request a direct appropriation from the Trust Fund to pay expenses incurred by the State's Attorneys Appellate Prosecutor and an appropriation to the State Treasurer for payments from the Trust Fund for expenses incurred by State's Attorneys in counties other than Cook County.

(5) The Attorney General shall request a direct appropriation from the Trust Fund to pay expenses incurred by the Attorney General in assisting the State's Attorneys in counties other than Cook County and to pay for expenses incurred by the Attorney General when the Attorney General is ordered by the presiding judge of the Criminal Division of the Circuit Court of Cook County to prosecute or supervise the prosecution of Cook County cases and for expenses incurred by the Attorney General in representing the State in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases.

The Public Defender and State's Attorney in Cook County, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General may each request supplemental appropriations from the Trust Fund during the fiscal year.

(e) Moneys in the Trust Fund shall be expended only as follows:

(1) To pay the State Treasurer's costs to administer the Trust Fund. The amount for this purpose may not exceed 5% in any one fiscal year of the amount otherwise appropriated from the Trust Fund in the same fiscal year.

(2) To pay the capital litigation expenses of trial defense and post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under

Section 2-1401 of the Code of Civil Procedure in relation to capital cases including, but not limited to, DNA testing, including DNA testing under Section 116-3 of the Code of Criminal Procedure of 1963, analysis, and expert testimony, investigatory and other assistance, expert, forensic, and other witnesses, and mitigation specialists, and grants and aid provided to public defenders, appellate defenders, and any attorney approved by or contracted with the State Appellate Defender representing petitioners in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases or assistance to attorneys who have been appointed by the court to represent defendants who are charged with capital crimes.

(3) To pay the compensation of trial attorneys, other than public defenders or appellate defenders, who have been appointed by the court to represent defendants who are charged with capital crimes or attorneys approved by or contracted with the State Appellate Defender to represent petitioners in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases.

(4) To provide State's Attorneys with funding for capital litigation expenses and for expenses of representing the State in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases

including, but not limited to, investigatory and other assistance and expert, forensic, and other witnesses necessary to prosecute capital cases. State's Attorneys in any county other than Cook County seeking funding for capital litigation expenses and for expenses of representing the State in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases including, but not limited to, investigatory and other assistance and expert, forensic, or other witnesses under this Section may request that the State's Attorneys Appellate Prosecutor or the Attorney General, as the case may be, certify the expenses as reasonable, necessary, and appropriate for payment from the Trust Fund, on a form created by the State Treasurer. Upon certification of the expenses and delivery of the certification to the State Treasurer, the Treasurer shall pay the expenses directly from the Capital Litigation Trust Fund if there are sufficient moneys in the Trust Fund to pay the expenses.

(5) To provide financial support through the Attorney General pursuant to the Attorney General Act for the several county State's Attorneys outside of Cook County, but shall not be used to increase personnel for the Attorney General's Office, except when the Attorney General is ordered by the presiding judge of the Criminal Division of the Circuit Court of Cook County to prosecute or supervise the prosecution of Cook County cases.

(6) To provide financial support through the State's Attorneys Appellate Prosecutor pursuant to the State's Attorneys Appellate Prosecutor's Act for the several county State's Attorneys outside of Cook County, but shall not be used to increase personnel for the State's Attorneys Appellate Prosecutor.

(7) To provide financial support to the State Appellate Defender pursuant to the State Appellate Defender Act.

Moneys expended from the Trust Fund shall be in addition to county funding for Public Defenders and State's Attorneys, and shall not be used to supplant or reduce ordinary and customary county funding.

(f) Moneys in the Trust Fund shall be appropriated to the State Appellate Defender, the State's Attorneys Appellate Prosecutor, the Attorney General, and the State Treasurer. The State Appellate Defender shall receive an appropriation from the Trust Fund to enable it to provide assistance to appointed defense counsel and attorneys approved by or contracted with the State Appellate Defender to represent petitioners in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases throughout the State and to Public Defenders in counties other than Cook. The State's Attorneys Appellate Prosecutor and the Attorney General shall receive appropriations from the Trust Fund to enable them to provide assistance to State's Attorneys in counties other than Cook County and when the Attorney General is ordered by the presiding judge of the Criminal Division of the Circuit Court of Cook County to prosecute or supervise the prosecution of Cook County cases. Moneys shall be appropriated to the State Treasurer to enable the Treasurer (i) to make grants to Cook County, (ii) to pay the expenses of Public Defenders, the State Appellate Defender, the Attorney General, the Office of the State's Attorneys Appellate Prosecutor, and State's Attorneys in counties other than Cook County, (iii) to pay the expenses

and compensation of appointed defense counsel and attorneys approved by or contracted with the State Appellate Defender to represent petitioners in post-conviction proceedings in capital cases under Article 122 of the Code of Criminal Procedure of 1963 and in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases in counties other than Cook County, and (iv) to pay the costs of administering the Trust Fund. All expenditures and grants made from the Trust Fund shall be subject to audit by the Auditor General.

(g) For Cook County, grants from the Trust Fund shall be made and administered as follows:

(1) For each State fiscal year, the State's Attorney and Public Defender must each make a separate application to the State Treasurer for capital litigation grants.

(2) The State Treasurer shall establish rules and procedures for grant applications.

The rules shall require the Cook County Treasurer as the grant recipient to report on a periodic basis to the State Treasurer how much of the grant has been expended, how much of the grant is remaining, and the purposes for which the grant has been used. The rules may also require the Cook County Treasurer to certify on a periodic basis that expenditures of the funds have been made for expenses that are reasonable, necessary, and appropriate for payment from the Trust Fund.

(3) The State Treasurer shall make the grants to the Cook County Treasurer as soon as possible after the beginning of the State fiscal year.

(4) The State's Attorney or Public Defender may apply for supplemental grants during the fiscal year.

(5) Grant moneys shall be paid to the Cook County Treasurer in block grants and held in separate accounts for the State's Attorney, the Public Defender, and court appointed defense counsel other than the Cook County Public Defender, respectively, for the designated fiscal year, and are not subject to county appropriation.

(6) Expenditure of grant moneys under this subsection (g) is subject to audit by the Auditor General.

(7) The Cook County Treasurer shall immediately make payment from the appropriate separate account in the county treasury for capital litigation expenses to the State's Attorney, Public Defender, or court appointed defense counsel other than the Public Defender, as the case may be, upon order of the State's Attorney, Public Defender or the court, respectively.

(h) If a defendant in a capital case in Cook County is represented by court appointed counsel other than the Cook County Public Defender, the appointed counsel shall petition the court for an order directing the Cook County Treasurer to pay the court appointed counsel's reasonable and necessary compensation and capital litigation expenses from grant moneys provided from the Trust Fund. These petitions shall be considered in camera. Orders denying petitions for compensation or expenses are final. Counsel may not petition for expenses that may have been provided or compensated by the State Appellate Defender under item (c)(5) of Section 10 of the State Appellate Defender Act.

(i) In counties other than Cook County, and when the Attorney General is ordered by the presiding judge of the Criminal Division of the Circuit Court of Cook County to prosecute or supervise the prosecution of Cook County cases, and excluding capital litigation expenses or services that may have been provided by the State Appellate Defender under item (c)(5) of Section 10 of the State Appellate Defender Act:

(1) Upon certification by the circuit court, on a form created by the State Treasurer, that all or a portion of the expenses are reasonable, necessary, and appropriate for payment from the Trust Fund and the court's delivery of the certification to the Treasurer, the Treasurer shall pay the certified expenses of Public Defenders and the State Appellate Defender from the money appropriated to the Treasurer for capital litigation expenses of Public Defenders and post-conviction proceeding expenses in capital cases of the State Appellate Defender and expenses in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases in any county other than Cook County, if there are sufficient moneys in the Trust Fund to pay the expenses.

(2) If a defendant in a capital case is represented by court appointed counsel other than the Public Defender, the appointed counsel shall petition the court to certify compensation and capital litigation expenses including, but not limited to, investigatory and other assistance, expert, forensic, and other witnesses, and mitigation specialists as reasonable, necessary, and appropriate for payment from the Trust Fund. If a petitioner in a capital case who has filed a petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963 or a petition under Section 2-1401 of the Code of Civil Procedure in relation to capital cases is represented by an attorney approved by or contracted with the State Appellate Defender other than the State Appellate Defender, that attorney shall petition the court to certify compensation and litigation expenses of post-conviction proceedings under

Article 122 of the Code of Criminal Procedure of 1963 or in relation to petitions filed under Section 2-1401 of the Code of Civil Procedure in relation to capital cases. Upon certification on a form created by the State Treasurer of all or a portion of the compensation and expenses certified as reasonable, necessary, and appropriate for payment from the Trust Fund and the court's delivery of the certification to the Treasurer, the State Treasurer shall pay the certified compensation and expenses from the money appropriated to the Treasurer for that purpose, if there are sufficient moneys in the Trust Fund to make those payments.

(3) A petition for capital litigation expenses or post-conviction proceeding expenses or expenses incurred in filing a petition under Section 2-1401 of the Code of Civil Procedure in relation to capital cases under this subsection shall be

considered in camera. Orders denying petitions for compensation or expenses are final.

(j) If the Trust Fund is discontinued or dissolved by an Act of the General Assembly or by operation of law, any balance remaining in the Trust Fund shall be returned to the General Revenue Fund after deduction of administrative costs, any other provision of this Act to the contrary notwithstanding.

(Source: P.A. 93-127, eff. 1-1-04; 93-605, eff. 11-19-03; revised 12-9-03.)

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

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 578 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 5732

A bill for AN ACT in relation to tax increment financing.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 5732

Passed the Senate, as amended, May 19, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5732 on page 21, line 34, and on page 45, line 25, by replacing "November", each time it appears, with "December".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 5732 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 486

A bill for AN ACT concerning health care for women.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 486

Senate Amendment No. 2 to HOUSE BILL NO. 486

Passed the Senate, as amended, May 19, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 486 by replacing everything after the enacting clause with the following:

"Section 5. The Hospital Licensing Act is amended by adding Section 11.5 as follows:

(210 ILCS 85/11.5 new)

Sec. 11.5. Uniform standards of obstetrical care regardless of ability to pay.

(a) No hospital may promulgate policies or implement practices that determine differing standards of obstetrical care based upon a patient's source of payment or ability to pay for medical services.

(b) Each hospital shall develop a written policy statement reflecting the requirements of subsection (a) and shall post written notices of this policy in the obstetrical admitting areas of the hospital by July 1, 2004. Notices posted pursuant to this Section shall be posted in the predominant language or languages spoken in the hospital's service area.

Section 15. The Illinois Public Aid Code is amended by adding Section 5-16.7a as follows:

(305 ILCS 5/5-16.7a new)

Sec. 5-16.7a. Reimbursement for epidural anesthesia services. In addition to other procedures authorized by the Department under this Code, the Department shall provide reimbursement to medical providers for epidural anesthesia services when ordered by the attending practitioner at the time of delivery.

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

AMENDMENT NO. 2. Amend House Bill 486, AS AMENDED, with reference to page and line numbers of Senate Amendment No.1, on page 1, by replacing line 20 with the following:

"changing Section 5-5 and adding Section 5-16.7a as follows:

(305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services; (14) transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child. The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

Notwithstanding any other provision of this Section, a comprehensive tobacco use cessation program that includes purchasing prescription drugs or prescription medical devices approved by the Food and Drug administration shall be covered under the medical assistance program under this Article for persons who are otherwise eligible for assistance under this Article.

Notwithstanding any other provision of this Code, the Illinois Department may not require, as a condition of payment for any laboratory test authorized under this Article, that a physician's handwritten signature appear on the laboratory test order form. The Illinois Department may, however, impose other appropriate requirements regarding laboratory test order documentation.

The Illinois Department of Public Aid shall provide the following services to persons eligible for assistance under this Article who are participating in education, training or employment programs operated by the Department of Human Services as successor to the Department of Public Aid:

- (1) dental services, which shall include but not be limited to prosthodontics; and
- (2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

The Illinois Department, by rule, may distinguish and classify the medical services to be provided only in accordance with the classes of persons designated in Section 5-2.

The Illinois Department shall authorize the provision of, and shall authorize payment for, screening by low-dose mammography for the presence of occult breast cancer for women 35 years of age or older who are eligible for medical assistance under this Article, as follows: a baseline mammogram for women 35 to 39 years of age and an annual mammogram for women 40 years of age or older. All screenings shall include a physical breast exam, instruction on self-examination and information regarding the frequency of self-examination and its value as a preventative tool. As used in this Section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including the x-ray tube, filter, compression device, image receptor, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with 2 views for each breast.

Any medical or health care provider shall immediately recommend, to any pregnant woman who is being provided prenatal services and is suspected of drug abuse or is addicted as defined in the Alcoholism and Other Drug Abuse and Dependency Act, referral to a local substance abuse treatment provider licensed by the Department of Human Services or to a licensed hospital which provides substance abuse treatment services. The Department of Public Aid shall assure coverage for the cost of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

All medical providers providing medical assistance to pregnant women under this Code shall receive information from the Department on the availability of services under the Drug Free Families with a Future or any comparable program providing case management services for addicted women, including information on appropriate referrals for other social services that may be needed by addicted women in addition to treatment for addiction.

The Illinois Department, in cooperation with the Departments of Human Services (as successor to the Department of Alcoholism and Substance Abuse) and Public Health, through a public awareness campaign, may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care, and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance.

Neither the Illinois Department of Public Aid nor the Department of Human Services shall sanction the recipient solely on the basis of her substance abuse.

The Illinois Department shall establish such regulations governing the dispensing of health services under this Article as it shall deem appropriate. The Department should seek the advice of formal professional advisory committees appointed by the Director of the Illinois Department for the purpose of providing regular advice on policy and administrative matters, information dissemination and educational activities for medical and health care providers, and consistency in procedures to the Illinois Department.

The Illinois Department may develop and contract with Partnerships of medical providers to arrange medical services for persons eligible under Section 5-2 of this Code. Implementation of this Section may be by demonstration projects in certain geographic areas. The Partnership shall be represented by a sponsor organization. The Department, by rule, shall develop qualifications for sponsors of Partnerships. Nothing in this Section shall be construed to require that the sponsor organization be a medical organization.

The sponsor must negotiate formal written contracts with medical providers for physician services, inpatient and outpatient hospital care, home health services, treatment for alcoholism and substance abuse, and other services determined necessary by the Illinois Department by rule for delivery by Partnerships. Physician services must include prenatal and obstetrical care. The Illinois Department shall reimburse medical services delivered by Partnership providers to clients in target areas according to provisions of this Article and the Illinois Health Finance Reform Act, except that:

- (1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.
- (2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

(3) Persons receiving medical services through Partnerships may receive medical and case management services above the level usually offered through the medical assistance program.

Medical providers shall be required to meet certain qualifications to participate in Partnerships to ensure the delivery of high quality medical services. These qualifications shall be determined by rule of the Illinois Department and may be higher than qualifications for participation in the medical assistance program. Partnership sponsors may prescribe reasonable additional qualifications for participation by medical providers, only with the prior written approval of the Illinois Department.

Nothing in this Section shall limit the free choice of practitioners, hospitals, and other providers of medical services by clients. In order to ensure patient freedom of choice, the Illinois Department shall immediately promulgate all rules and take all other necessary actions so that provided services may be accessed from therapeutically certified optometrists to the full extent of the Illinois Optometric Practice Act of 1987 without discriminating between service providers.

The Department shall apply for a waiver from the United States Health Care Financing Administration to allow for the implementation of Partnerships under this Section.

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after the effective date of this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

The rules and regulations of the Illinois Department shall require that a written statement including the required opinion of a physician shall accompany any claim for reimbursement for abortions, or induced miscarriages or premature births. This statement shall indicate what procedures were used in providing such medical services.

The Illinois Department shall require all dispensers of medical services, other than an individual practitioner or group of practitioners, desiring to participate in the Medical Assistance program established under this Article to disclose all financial, beneficial, ownership, equity, surety or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services in this State under this Article.

The Illinois Department may require that all dispensers of medical services desiring to participate in the medical assistance program established under this Article disclose, under such terms and conditions as the Illinois Department may by rule establish, all inquiries from clients and attorneys regarding medical bills paid by the Illinois Department, which inquiries could indicate potential existence of claims or liens for the Illinois Department.

Enrollment of a vendor that provides non-emergency medical transportation, defined by the Department by rule, shall be conditional for 180 days. During that time, the Department of Public Aid may terminate the vendor's eligibility to participate in the medical assistance program without cause. That termination of eligibility is not subject to the Department's hearing process.

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients without medical authorization; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical

prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department. Rules under clause (2) above shall not provide for purchase or lease-purchase of durable medical equipment or supplies used for the purpose of oxygen delivery and respiratory care.

The Department shall execute, relative to the nursing home prescreening project, written inter-agency agreements with the Department of Human Services and the Department on Aging, to effect the following: (i) intake procedures and common eligibility criteria for those persons who are receiving non-institutional services; and (ii) the establishment and development of non-institutional services in areas of the State where they are not currently available or are undeveloped.

The Illinois Department shall develop and operate, in cooperation with other State Departments and agencies and in compliance with applicable federal laws and regulations, appropriate and effective systems of health care evaluation and programs for monitoring of utilization of health care services and facilities, as it affects persons eligible for medical assistance under this Code.

The Illinois Department shall report annually to the General Assembly, no later than the second Friday in April of 1979 and each year thereafter, in regard to:

- (a) actual statistics and trends in utilization of medical services by public aid recipients;
- (b) actual statistics and trends in the provision of the various medical services by medical vendors;
- (c) current rate structures and proposed changes in those rate structures for the various medical vendors; and
- (d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, and such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section. (Source: P.A. 92-16, eff. 6-28-01; 92-651, eff. 7-11-02; 92-789, eff. 8-6-02; 93-632, eff. 2-1-04.)"

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 486 were placed on the Calendar on the order of Concurrence.

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

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 5017

A bill for AN ACT concerning fire protection districts.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 2 to HOUSE BILL NO. 5017

Senate Amendment No. 3 to HOUSE BILL NO. 5017

Senate Amendment No. 4 to HOUSE BILL NO. 5017

Passed the Senate, as amended, May 19, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2 . Amend House Bill 5017 by replacing everything after the enacting clause with the following:

"Section 5. The Fire Protection District Act is amended by changing Section 4a and by adding Section 16.08b as follows:

(70 ILCS 705/4a) (from Ch. 127 1/2, par. 24.1)

Sec. 4a. Change to elected board of trustees; petition; election; ballot; nomination and election of trustees. Any fire protection district organized under this Act may determine, in either manner provided in the following items (1) and (2) of this Section, to have an elected, rather than an appointed, board of trustees.

(1) If the district lies wholly within a single township but does not also lie wholly within a municipality, the township board of trustees may determine, by ordinance, to have an elected board of trustees.

(2) Upon presentation to the board of trustees of a petition, signed by not less than 10% of the electors of the district, requesting that a proposition for the election of trustees be submitted to the electors of the district, the secretary of the board of trustees shall certify the proposition to the appropriate election authorities who shall submit the proposition at a regular election in accordance with the general election law. The general election law shall apply to and govern such election. The proposition shall be in substantially the following form:

Shall the trustees of..... YES
 Fire Protection District be -----
 elected, rather than appointed? NO

If a majority of the votes cast on such proposition are in the affirmative, the trustees of the district shall thereafter be elected as provided by this Section.

At the next regular election for trustees as provided by the general election law, a district that has approved by ordinance or referendum to have its trustees elected rather than appointed shall elect 3, 5, or 7 trustees, as previously determined by the organization of the district or as increased under Section 4.01 or 4.02. The initial elected trustees shall be elected for 2, 4, and 6 year terms. In a district with 3 trustees, one trustee shall be elected for a term of 2 years, one for a term of 4 years, and one for a term of 6 years. In a district with 5 trustees, 2 shall be elected for terms of 2 years, 2 for terms of 4 years, and one for a term of 6 years. In a district with 7 trustees, 3 shall be elected for terms of 2 years, 2 for terms of 4 years, and 2 for terms of 6 years. Except as otherwise provided in Section 2A-54 of the Election Code, the term of each elected trustee shall commence on the first Monday of the month following the month of his election and until his successor is elected and qualified. The length of the terms of the trustees first elected shall be determined by lot at their first meeting. Except as otherwise provided in Section 2A-54 of the Election Code, thereafter, each trustee shall be elected to serve for a term of 6 years commencing on the first Monday of the month following the month of his election and until his successor is elected and qualified.

No party designation shall appear on the ballot for election of trustees. The provisions of the general election law shall apply to and govern the nomination and election of trustees.

Nominations for members of the board of trustees shall be made by a petition signed by at least 25 voters or 5% of the voters, whichever is less, residing within the district and shall be filed with the secretary of the board. In addition to the requirements of general election law, the form of the petition shall be as follows:

NOMINATING PETITIONS

To the Secretary of the Board of Trustees of (name of fire protection district):

We, the undersigned, being (number of signatories or 10% or more) of the voters residing within the district, hereby petition that (name of candidate) who resides at (address of candidate) in this district shall be a candidate for the office of (office) of the Board of Trustees (full-term or vacancy) to be voted for at the election to be held (date of election).

The secretary of the board shall notify each candidate for whom a petition for nomination has been filed of their obligations under the Campaign Financing Act, as required by the general election law. The notice shall be given on a form prescribed by the State Board of Elections and in accordance with the requirements of the general election law.

The secretary shall, within 7 days of filing or on the last day for filing, whichever is earlier, acknowledge to the petitioner in writing his acceptance of the petition.

The provisions of Section 4 relating to eligibility, powers and disabilities of trustees shall apply equally to elected trustees.

Whenever a fire protection district determines to elect trustees as provided in this Section, the trustees appointed pursuant to Section 4 shall continue to constitute the board of trustees until the first Monday of the month following the month of the first election of trustees. If the term of office of any appointed trustees expires before the first election of trustees, the authority which appointed that trustee under Section 4 of this Act shall appoint a successor to serve until a successor is elected and has qualified. The terms of all appointed trustees in such district shall expire on the first Monday of the month following the month of the first election of trustees under this Section or when successors have been elected and have qualified, whichever occurs later.

(Source: P.A. 90-358, eff. 1-1-98.)

(70 ILCS 705/16.08b new)

Sec. 16.08b. Emergency medical technician licensure. The board of trustees of a fire protection district may require that all firefighters hired on or after the effective date of this amendatory Act of the 93rd General Assembly by any fire department within the district must be licensed as an EMT-B, EMT-I, or EMT-P under the Emergency Medical Services (EMS) Systems Act."

AMENDMENT NO. 3. Amend House Bill 5017, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 3, line 15, by replacing "10%" with "5%".

AMENDMENT NO. 4. Amend House Bill 5017, AS AMENDED, immediately below the enacting clause, by inserting the following:

"Section 3. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-330 as follows:

(20 ILCS 2605/2605-330) (was 20 ILCS 2605/55a in part)

Sec. 2605-330. Firefighter applicant criminal history records checks ~~background investigations~~. Upon the request of the chief of a ~~volunteer~~ fire department or the board of trustees of a fire protection district, the Department shall conduct fingerprint-based criminal history records checks of both State and Federal Bureau of Investigation criminal history record databases concerning ~~criminal background investigations of~~ prospective firefighters and report to the requesting chief or the board of trustees of a fire protection district any conviction information ~~any record of convictions maintained in the Department's files~~ about those persons. The Department may charge the requesting chief or board of trustees a fee for conducting the criminal history records check. The fee shall be deposited into the State Police Services Fund and shall not exceed the cost of the inquiry ~~a fee, based on actual costs, for the dissemination of conviction information under this Section~~. The Department may prescribe the form and manner for requesting and furnishing conviction information under this Section.

(Source: P.A. 91-371, eff. 1-1-00; 92-16, eff. 6-28-01.)".

The foregoing message from the Senate reporting Senate Amendments numbered 2, 3 and 4 to HOUSE BILL 5017 were placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 4012

A bill for AN ACT in relation to transportation.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 4012

Passed the Senate, as amended, May 19, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 4012, on page 1, by replacing lines 21 through 23 with the following:

"recorded image of the vehicle, the vehicle operator, and the vehicle's registration plate while the driver is violating Section 11-605.1 of the Illinois Vehicle Code. The photograph or other recorded image must also"; and

on page 2, line 5, by replacing "11-605" with "11-605.1"; and

on page 2, line 28, by replacing "the offense" with "a violation of Section 11-605.1 of the Illinois Vehicle Code"; and

on page 3, line 6, after "The vehicle," by inserting "vehicle operator,"; and

on page 3, by replacing lines 30 through 34 with the following:

"(b) If the driver of the vehicle cannot be identified through the photograph or other recorded image, the owner is not liable for the fine."; and

on page 4, line 3, after "violation", by inserting "of Section 11-605.1 of the Illinois Vehicle Code"; and

on page 4, by replacing lines 29 through 32 with the following:

"Section 90. The Illinois Vehicle Code is amended by adding Section 11-605.2 as follows:

(625 ILCS 5/11-605.2 new)

Sec. 11-605.2. Delegation of authority to set a special speed limit while traveling through highway construction or maintenance zones.

(a) A local agency may delegate to its superintendent of highways the authority to set and post a reduced speed limit for a construction or maintenance zone, as defined in Section 11-605, under subsection (b) of that Section.

(b) If a superintendent of highways sets a reduced speed limit for a construction or maintenance zone in accordance with this Section, the local agency must maintain a record that indicates:

(1) the location of the construction or maintenance zone;

(2) the reduced speed limit set and posted for the construction or maintenance zone; and

(3) the dates during which the reduced speed limit was in effect.

Section 999. Effective date. This Act takes effect upon becoming law."; and by deleting pages 5, 6, and 7.

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 4012 was placed on the Calendar on the order of Concurrence.

REPORTS FROM STANDING COMMITTEES

Representative Delgado, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on May 18, 2004, and reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 2536.

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

Amendments numbered 2 and 3 to HOUSE BILL 6415.

Amendment No. 1 to SENATE BILL 984.

The committee roll call vote on Senate Bill 2536 is as follows:

12, 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) |
| Y 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) | |

The committee roll call vote on Amendment numbered 2 and 3 to House Bill 6415 is as follows:

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

- | | |
|--------------------------------------|------------------------|
| Y Delgado,William(D), Co-Chairperson | Y Bailey,Patricia(D) |
| A Bradley,Richard(D) | A Collins,Annazette(D) |

Y Gordon,Careen(D)	A 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) (Stephens)	Y Sacia,Jim(R)
A Wait,Ronald(R)	

The committee roll call vote on Amendment No.1 to Senate Bill 984 is as follows:
10, Yeas; 0, Nays; 2, Answering Present.

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

Representative Richard Bradley, Chairperson, from the Committee on Personnel & Pensions to which the following were referred, action taken on May 18, 2004, and reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Motion to concur with Senate Amendment No. 1 to HOUSE BILL 587.

The committee roll call vote on Motion to Concur with Senate Amendment No. 1 to House Bill 587 is as follows:

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

Y Bradley,Richard(D), Chairperson	Y Brauer,Rich(R)
A Colvin,Marlow(D)	A Leitch,David(R)
Y McCarthy,Kevin(D)	Y Poe,Raymond(R), Republican Spokesperson
Y Reitz,Dan(D), Vice-Chairperson	Y Schmitz,Timothy(R)
A Smith,Michael(D)	

Representative Hoffman, Chairperson, from the Committee on Transportation & Motor Vehicles to which the following were referred, action taken on May 18, 2004, and reported the same back with the following recommendations:

That the resolution be reported "recommends be adopted" and be placed on the House Calendar:
HOUSE JOINT RESOLUTION 55.

That the Floor Amendment be reported "recommends be adopted" and be placed on the House Calendar: Motion to concur with Senate Amendment No. 1 to HOUSE BILL 4403.

The committee roll call vote on House Joint Resolution 55 and Motion to concur with Senate Amendment No. 1 to House Bill 4403 is as follows:

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

Y Hoffman,Jay(D), Chairperson	Y Bassi,Suzanne(R)
Y Black,William(R)	A Brosnahan,James(D)
Y Fritchey,John(D)	Y Joyce,Kevin(D)
Y Lyons,Joseph(D)	Y Mathias,Sidney(R)
Y McAuliffe,Michael(R)	Y Miller,David(D), Vice-Chairperson
A Millner,John(R)	Y Moffitt,Donald(R)
Y Molaro,Robert(D)	Y Reitz,Dan(D)
Y Soto,Cynthia(D)	Y Tenhouse,Art(R)
Y Wait,Ronald(R), Republican Spokesperson	Y Watson,Jim(R)

Representative Steve Davis, Chairperson, from the Committee on Public Utilities to which the following were referred, action taken on May 18, 2004, and reported the same back with the following recommendations:

That the resolutions be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTIONS 626 and 689.

The committee roll call vote on House Resolution 626 and 689 is as follows:

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

- | | |
|---|-----------------------|
| Y Davis, Steve(D), Chairperson | Y Bost, Mike(R) |
| A Davis, Monique(D) | A Giles, Calvin(D) |
| A Granberg, Kurt(D) | A Holbrook, Thomas(D) |
| Y Hultgren, Randall(R) | A Jones, Lovana(D) |
| Y Krause, Carolyn(R), Republican Spokesperson | Y Lyons, Eileen(R) |
| Y May, Karen(D) | A Meyer, James(R) |
| A Morrow, Charles(D), Vice-Chairperson | A Myers, Richard(R) |
| Y Saviano, Angelo(R) | Y Scully, George(D) |
| Y Sullivan, Ed(R) | |

Representative Holbrook, Chairperson, from the Committee on Environment & Energy to which the following were referred, action taken on May 18, 2004, and reported the same back with the following recommendations:

That the resolutions be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTIONS 616 and 821; HOUSE JOINT RESOLUTION 76.

That the resolution be reported "recommends be adopted as amended" and be placed on the House Calendar: HOUSE RESOLUTION 797.

The committee roll call vote on House Joint Resolution 76 and House Resolutions 616 and 797 is as follows:

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

- | | |
|--|-------------------------------------|
| Y Holbrook, Thomas(D), Chairperson | Y Bradley, Richard(D) |
| Y Churchill, Robert(R) | Y Collins, Annazette(D) |
| Y Davis, Steve(D) | Y Hamos, Julie(D) |
| A Hannig, Gary(D) | Y Joyce, Kevin(D) |
| Y Kosel, Renee(R) | A Leitch, David(R) |
| Y Meyer, James(R), Republican Spokesperson | Y Parke, Terry(R) |
| Y Reitz, Dan(D) | A Slone, Ricca(D), Vice-Chairperson |
| Y Tenhouse, Art(R) | |

The committee roll call vote on House Resolution 821 is as follows:

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

- | | |
|--|-------------------------------------|
| Y Holbrook, Thomas(D), Chairperson | Y Bradley, Richard(D) |
| Y Churchill, Robert(R) | Y Collins, Annazette(D) |
| Y Davis, Steve(D) (J. Bradley) | Y Hamos, Julie(D) |
| Y Hannig, Gary(D) | Y Joyce, Kevin(D) |
| A Kosel, Renee(R) | Y Leitch, David(R) |
| Y Meyer, James(R), Republican Spokesperson | A Parke, Terry(R) |
| Y Reitz, Dan(D) | A Slone, Ricca(D), Vice-Chairperson |
| A Tenhouse, Art(R) | |

Representative Mautino, Chairperson, from the Committee on Insurance to which the following were referred, action taken on May 18, 2004, and reported the same back with the following recommendations:

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

Amendment No. 1 to SENATE BILL 827.

Amendment No. 2 to SENATE BILL 2238.

Amendment No. 1 to SENATE BILL 2339.

The committee roll call vote on Amendment No. 1 to Senate Bill 827 is as follows:

13, Yeas; 1, Nays; 0, Answering Present.

Y Mautino, Frank(D), Chairperson	Y Berrios, Maria(D)
Y Bradley, Richard(D)	Y Brady, Dan(R)
Y Colvin, Marlow(D)	Y Dunkin, Kenneth(D)
Y Dunn, Joe(R)	Y Mitchell, Bill(R)
Y Osmond, JoAnn(R) (Watson)	Y Pankau, Carole(R)
Y Parke, Terry(R), Republican Spokesperson	Y Phelps, Brandon(D) (Grunloh)
Y Rita, Robert(D)	N Yarbrough, Karen(D), Vice-Chairperson

The committee roll call vote on Amendment No. 2 to Senate Bill 2238 is as follows:

8, Yeas; 4, Nays; 1, Answering Present.

Y Mautino, Frank(D), Chairperson	N Berrios, Maria(D)
Y Bradley, Richard(D)	Y Brady, Dan(R)
P Colvin, Marlow(D)	N Dunkin, Kenneth(D)
Y Dunn, Joe(R)	Y Mitchell, Bill(R)
Y Osmond, JoAnn(R) (Watson)	N Pankau, Carole(R)
Y Parke, Terry(R), Republican Spokesperson	A Phelps, Brandon(D) (Grunloh)
Y Rita, Robert(D)	N Yarbrough, Karen(D), Vice-Chairperson

The committee roll call vote on Amendment No. 1 to Senate Bill 2339 is as follows:

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

Y Mautino, Frank(D), Chairperson	Y Berrios, Maria(D)
Y Bradley, Richard(D)	A Brady, Dan(R)
Y Colvin, Marlow(D)	A Dunkin, Kenneth(D)
Y Dunn, Joe(R)	Y Mitchell, Bill(R)
Y Osmond, JoAnn(R)	Y Pankau, Carole(R)
Y Parke, Terry(R), Republican Spokesperson	Y Phelps, Brandon(D) (Grunloh)
A Rita, Robert(D)	Y Yarbrough, Karen(D), Vice-Chairperson

Representative Fritchey, Chairperson, from the Committee on Judiciary I - Civil Law to which the following were referred, action taken on May 18, 2004, 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: SENATE BILL 2496.

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to SENATE BILL 2499.

That the Motion be reported "recommends be adopted" and placed on the House Calendar:
Motion to concur with Senate Amendments numbered 1 and 2 to HOUSE BILL 4318.

The committee roll call vote on Senate Bill 2496, Amendment No. 1 to Senate Bill 2499 and Motion to Concur with Senate Amendments numbered 1 and 2 to 4318 is as follows:

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

Y Fritchey, John(D), Chairperson	Y Bailey, Patricia(D)
Y Berrios, Maria(D)	A Bradley, John(D)
A Brosnahan, James(D)	A Cultra, Shane(R)
Y Froehlich, Paul(R)	Y Hamos, Julie(D)
A Hoffman, Jay(D)	A Hultgren, Randall(R), Republican Spokesperson
Y Lang, Lou(D)	Y Mathias, Sidney(R)
A May, Karen(D)	Y Nekritz, Elaine(D)
A Osmond, JoAnn(R)	Y Rose, Chapin(R)
Y Sacia, Jim(R)	Y Scully, George(D), Vice-Chairperson

Y Wait,Ronald(R)

Representative Delgado, Chairperson, from the Committee on Human Services to which the following were referred, action taken on May 18, 2004, and reported the same back with the following recommendations:

That the resolutions be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTIONS 635, 659 and 881.

That the Motion be reported "recommends be adopted" and placed on the House Calendar: Motion to concur with Senate Amendment No. 2 to HOUSE BILL 1082.

The committee roll call vote on House Resolution 635, 659, 881 and Motion to Concur with Senate Amendment No. 2 to House Bill 1082 is as follows:

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

Y Delgado,William(D), Chairperson

Y Bellock,Patricia(R), Republican Spokesperson

Y Feigenholtz,Sara(D), Vice-Chairperson

Y Flowers,Mary(D)

Y Howard,Constance(D)

Y Kurtz,Rosemary(R)

Y Lindner,Patricia(R)

Y Ryg,Kathleen(D)

Y Sullivan,Ed(R)

Representative Delgado, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on May 18, 2004, and reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted": Amendment No. 2 to SENATE BILL 132.

That the Motion be reported "recommends be adopted" and placed on the House Calendar:

Motion to concur with Senate Amendment No. 1 to HOUSE BILL 4027.

Motion to concur with Senate Amendment No. 2 to HOUSE BILL 4135.

Motion to concur with Senate Amendment No. 1 to HOUSE BILL 4949.

The committee roll call vote on Senate Bill 132, Motion to concur with Senate Amendment No. 1 to House Bill 4027, Motion to Concur with Senate Amendment No. 2 to House Bill 4135 and Motion to Concur with Senate Amendment No. 1 to House Bill 4949 is as follows:

12, 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)

Y 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 Joseph Lyons, Chairperson, from the Committee on Financial Institutions to which the following were referred, action taken on May 18, 2004, 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: SENATE BILL 2908.

The committee roll call vote on Senate Bill 2908 is as follows:

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

Y Lyons,Joseph(D), Chairperson

Y Bellock,Patricia(R)

Y Burke,Daniel(D), Vice-Chairperson

A Capparelli,Ralph(D)

Y Davis,Monique(D)

Y Davis,Steve(D)

A Dunn,Joe(R)

A Giles,Calvin(D)

Y Holbrook,Thomas(D)

A Hultgren,Randall(R)

A Jones,Lovana(D)
 Y Mathias,Sidney(R)
 Y Meyer,James(R)
 Y Molaro,Robert(D)

Y Kosel,Renee(R)
 Y McAuliffe,Michael(R)
 A Mitchell,Bill(R), Republican Spokesperson
 A Morrow,Charles(D)

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on May 18, 2004, and reported the same back with the following recommendations:

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

Amendment No. 1 to SENATE BILL 1631.

The committee roll call vote on Amendment No. 1 to Senate Bill 1631 is as follows:

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

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

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

Representative Osterman, Chairperson, from the Committee on Local Government to which the following were referred, action taken on May 18, 2004, and reported the same back with the following recommendations:

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

Amendments numbered 1 and 2 to SENATE BILL 2175.

Amendment No. 1 to SENATE BILL 2222.

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTION 862.

That the resolution be reported "recommends be adopted as amended" and be placed on the House Calendar: HOUSE JOINT RESOLUTION 39.

The committee roll call vote on House Joint Resolution 39 is as follows:

15, Yeas; 5, Nays; 0, Answering Present.

Y Osterman,Harry(D), Chairperson
 A Colvin,Marlow(D), Vice-Chairperson
 Y Flider,Robert(D)
 N Grunloh,William(D)
 Y Kurtz,Rosemary(R)
 Y Mautino,Frank(D)
 Y Meyer,James(R)
 Y Nekritz,Elaine(D)
 N Pihos,Sandra(R)
 Y Ryg,Kathleen(D)
 N Sommer,Keith(R)

Y Biggins,Bob(R)
 Y Davis,William(D)
 Y Froehlich,Paul(R)
 Y Kelly,Robin(D)
 N Mathias,Sidney(R), Republican Spokesperson
 Y May,Karen(D)
 A Moffitt,Donald(R)
 Y Phelps,Brandon(D)
 Y Pritchard,Robert(R)
 Y Slone,Ricca(D)
 N Watson,Jim(R)

The committee roll call vote on House Resolution 862 is as follows:

14, Yeas; 0, Nays; 1, Answering Present.

Y Osterman,Harry(D), Chairperson
 A Colvin,Marlow(D), Vice-Chairperson
 Y Flider,Robert(D)
 Y Grunloh,William(D)
 Y Kurtz,Rosemary(R)
 Y Mautino,Frank(D)
 A Meyer,James(R)
 Y Nekritz,Elaine(D)

Y Biggins,Bob(R)
 A Davis,William(D)
 A Froehlich,Paul(R)
 A Kelly,Robin(D)
 Y Mathias,Sidney(R), Republican Spokesperson
 Y May,Karen(D)
 A Moffitt,Donald(R)
 Y Phelps,Brandon(D)

Y Pihos,Sandra(R)
 A Ryg,Kathleen(D)
 Y Sommer,Keith(R)

Y Pritchard,Robert(R)
 Y Slone,Ricca(D)
 P Watson,Jim(R)

The committee roll call vote on Amendment No. 1 to Senate Bill 2222 is as follows:
 16, Yeas; 0, Nays; 0, Answering Present.

Y Osterman,Harry(D), Chairperson
 A Colvin,Marlow(D), Vice-Chairperson
 Y Flider,Robert(D)
 Y Grunloh,William(D)
 Y Kurtz,Rosemary(R)
 Y Mautino,Frank(D)
 A Meyer,James(R)
 Y Nekritz,Elaine(D)
 Y Pihos,Sandra(R)
 A Ryg,Kathleen(D)
 Y Sommer,Keith(R)

Y Biggins,Bob(R)
 A Davis,William(D)
 A Froehlich,Paul(R)
 A Kelly,Robin(D)
 Y Mathias,Sidney(R), Republican Spokesperson
 Y May,Karen(D)
 Y Moffitt,Donald(R)
 Y Phelps,Brandon(D)
 Y Pritchard,Robert(R)
 Y Slone,Ricca(D)
 Y Watson,Jim(R)

The committee roll call vote on Amendment numbered 1 and 2 to Senate Bill 2175 is as follows:
 21, Yeas; 0, Nays; 0, Answering Present.

Y Osterman,Harry(D), Chairperson
 A Colvin,Marlow(D), Vice-Chairperson
 Y Flider,Robert(D)
 Y Grunloh,William(D)
 Y Kurtz,Rosemary(R)
 Y Mautino,Frank(D)
 Y Meyer,James(R)
 Y Nekritz,Elaine(D)
 Y Pihos,Sandra(R)
 Y Ryg,Kathleen(D)
 Y Sommer,Keith(R)

Y Biggins,Bob(R)
 Y Davis,William(D)
 Y Froehlich,Paul(R)
 Y Kelly,Robin(D)
 Y Mathias,Sidney(R), Republican Spokesperson
 Y May,Karen(D)
 Y Moffitt,Donald(R)
 Y Phelps,Brandon(D)
 Y Pritchard,Robert(R)
 Y Slone,Ricca(D)
 Y Watson,Jim(R)

Representative Giles, Chairperson, from the Committee on Elementary & Secondary Education to which the following were referred, action taken on May 18, 2004, and reported the same back with the following recommendations:

That the Motion be reported "recommends be adopted" and placed on the House Calendar:
 Motion to concur with Senate Amendment No. 1 to HOUSE BILL 758.

The committee roll call vote on Motion to Concur with Senate Amendment No. 1 to House Bill 758 is as follows:

18, 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)
 Y Osterman,Harry(D)
 Y Watson,Jim(R)

Y Bassi,Suzanne(R)
 Y Colvin,Marlow(D)
 Y Davis,Monique(D), Vice-Chairperson
 Y Joyce,Kevin(D)
 Y Krause,Carolyn(R)
 Y Mitchell,Jerry(R)
 Y Mulligan,Rosemary(R)
 Y Smith,Michael(D)
 Y Yarbrough,Karen(D)

Representative Franks, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken on May 18, 2004, and reported the same back with the following recommendations:

That the Motion be reported "recommends be adopted" and placed on the House Calendar:

Motion to concur with Senate Amendment No. 1 to HOUSE BILL 4489.

That the resolutions be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTIONS 668 and 671.

The committee roll call vote on House Resolution 668 is as follows:

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

Y Franks,Jack(D), Chairperson	Y Brady,Dan(R)
Y Brauer,Rich(R)	Y Chapa LaVia,Linda(D)
Y Jakobsson,Naomi(D)	Y Lindner,Patricia(R) (Pankau)
Y Myers,Richard(R)Repub Spokesperson(Munson)	Y Rose,Chapin(R)
Y Smith,Michael(D), Vice-Chairperson	Y Verschoore,Patrick(D)
Y Washington,Eddie(D)	

The committee roll call vote on House Resolution 671 and Motion to Concur with Senate Amendment No. 1 to House Bill 4489 is as follows:

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

Y Franks,Jack(D), Chairperson	Y Brady,Dan(R)
Y Brauer,Rich(R)	Y Chapa LaVia,Linda(D)
Y Jakobsson,Naomi(D)	Y Lindner,Patricia(R) (Pankau)
Y Myers,Richard(R), Republican Spokesperson	Y Rose,Chapin(R)
Y Smith,Michael(D), Vice-Chairperson	Y Verschoore,Patrick(D)
Y Washington,Eddie(D)	

Representative McAuliffe, Chairperson, from the Committee on Veterans Affairs to which the following were referred, action taken on May 18, 2004, and reported the same back with the following recommendations:

That the Motion be reported "recommends be adopted" and placed on the House Calendar:

Motion to concur with Senate Amendment No. 3 to HOUSE BILL 4371.

The committee roll call vote on Motion to Concur with Senate Amendment No. 3 to House Bill 4371 is as follows:

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

Y McAuliffe,Michael(R), Chairperson	Y Acevedo,Edward(D) (Kelly)
A Bost,Mike(R)	Y Chapa LaVia,Linda(D)
Y Dugan,Lisa(D)	Y Flider,Robert(D)
A Fritchey,John(D)	Y Grunloh,William(D)
Y Mautino,Frank(D), Vice-Chairperson	Y Meyer,James(R)
Y Moffitt,Donald(R)	Y Phelps,Brandon(D)
A Sacia,Jim(R)	Y Sommer,Keith(R), Republican Spokesperson
A Stephens,Ron(R)	Y Watson,Jim(R) (Black)

Representative Saviano, Chairperson, from the Committee on Registration & Regulation to which the following were referred, action taken on May 18, 2004, 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: SENATE BILLS 2251, 2253 and 2299.

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

Amendment No. 1 to SENATE BILL 2617.

Amendment No. 3 to SENATE BILL 3069.

The committee roll call vote on Senate Bill 2253 is as follows:

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

Y Saviano,Angelo(R), Chairperson	Y Bradley,Richard(D)
Y Burke,Daniel(D)	Y Coulson,Elizabeth(R), Republican Spokesperson
Y Davis,Monique(D)	Y Davis,Steve(D)
A Fritchey,John(D), Vice-Chairperson	Y Granberg,Kurt(D)
Y Kosel,Renee(R)	Y Krause,Carolyn(R)
Y Lyons,Eileen(R)	Y McAuliffe,Michael(R)
Y Millner,John(R)	Y Mulligan,Rosemary(R)
Y Reitz,Dan(D)	A Sullivan,Ed(R)

The committee roll call vote on Senate Bill 2251, 2299, Amendment No. 1 to Senate Bill 2617 and Amendment No. 3 to Senate Bill 3069 is as follows:

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

Y Saviano,Angelo(R), Chairperson	Y Bradley,Richard(D)
Y Burke,Daniel(D)	Y Coulson,Elizabeth(R), Republican Spokesperson
A Davis,Monique(D)	Y Davis,Steve(D)
A Fritchey,John(D), Vice-Chairperson	Y Granberg,Kurt(D)
Y Kosel,Renee(R)	Y Krause,Carolyn(R)
Y Lyons,Eileen(R)	Y McAuliffe,Michael(R)
Y Millner,John(R)	A Mulligan,Rosemary(R)
Y Reitz,Dan(D)	A Sullivan,Ed(R)

CHANGE OF SPONSORSHIP

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Churchill asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 718.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Dunkin asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 1041.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Bost asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 916.

Representative Dunkin asked and obtained unanimous consent to be removed as chief sponsor and Representative Hannig asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 1041.

Representative Washington asked and obtained unanimous consent to be removed as chief sponsor and Representative Madigan asked and obtained unanimous consent to be shown as chief sponsor of HOUSE JOINT RESOLUTION 86.

RESOLUTION

The following resolution was offered and placed in the Committee on Rules.

HOUSE RESOLUTION 943

Offered by Representative Granberg:

WHEREAS, Each year during May, the nation observes Older Americans Month to recognize the older adults in our communities; and

WHEREAS, This year, the Administration on Aging has selected a theme, "Aging Well, Living Well," which serves to celebrate and recognize older Americans who are living longer, healthier, and more

productive lives; older persons are not only adding years to their lives, they are also improving the quality of their lives; and

WHEREAS, According to the Administration on Aging, in addition to achieving a healthier lifestyle, older persons must also take steps to prepare for later life; these steps include understanding housing and long-term care options; gaining financial literacy and knowledge of retirement pension and benefits; and seeking opportunities for community participation and social engagement, including access to employment, volunteer, educational, and leisure activities; and

WHEREAS, In honor of Older Americans Month, Clinton County will be hosting Older Americans Day on May 20, 2004 at the Senior Center in Carlyle; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize May as Older Americans Month and the efforts of the Administration on Aging to promote healthier and more productive lives for the elder citizens of this State; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Area Agency on Aging of Southwestern Illinois.

AGREED RESOLUTIONS

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

HOUSE RESOLUTION 950

Offered by Representative Boland:

WHEREAS, Skateland, a Quad Cities institution, is closing its doors on May 23, 2004; and

WHEREAS, Four generations have participated in the operation of Skateland skating rinks in East Moline since 1936; and

WHEREAS, The first skating rink co-owned by Charles "Pop" and Mildred Jones and Mildred's parents, the Bursks, was opened as the Galesburg Glass Palace in 1928; and

WHEREAS, The Jones' daughter, Edith "Edie", met and fell in love with Roy Johnston while he skated at Skateland in East Moline and they were married in 1946; and

WHEREAS, Roy and Edie Johnston built Skateland at its current location in East Moline in 1960; it was the second largest skating rink in Illinois and routinely hosted 700-800 skaters per weekend in its hey-day; and

WHEREAS, Bud Johnston and Judy Johnston-Bowser grew up skating and working at Skateland, sweeping the floors and working at the snack bar before they became owners and operators in 2002; and

WHEREAS, 4,500 young adults made Skateland their first jobs, bringing service, safety, and entertainments to the youngsters of the community; and

WHEREAS, Skateland will be remembered for its unique lighting that announced the next skate such as "All Skate" or the "Moon Light Couples", or the organ music played by Randy Goodard since 1977, or manager Bob Housholder, or Dorothy Johnston behind the counter, or the many romances occurring while gliding around the sleek floor, or getting in free because you were the niece of the owner; memories that live on forever; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize the closing of Skateland and the profound positive effect the establishment had on its patrons for so many years; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Bud Johnston and Edie Johnston-Bowser.

HOUSE RESOLUTION 951

Offered by Representative Stephens:

WHEREAS, The members of the Illinois House of Representatives wish to recognize Darryl Bolen on

being selected to receive this year's Gerald Turley Award from the Greenville Chamber of Commerce; and

WHEREAS, This year marks the 15th year the chamber has given this award honoring those who have given the community extra-ordinary community service; and

WHEREAS, Mr. Bolen's work in the community is over and above what could be considered pastoral duties and has been significant; whatever the activity, it is as if that is exactly where he wants to be, doing exactly what he would choose to do most; and

WHEREAS, For more than thirty years, Mr. Bolen has been giving of his talents to the community of Greenville; some of his contributions include: Vice President of Bond County Health Department, being actively involved with the Bond County Senior Citizens Board and Inception of Bond County Hospice, Chairperson for Relay for Life, President of the Federal Correction Institution Community Relations Board, a member of Greenville College Community Relations Committee, a volunteer in the community with Toys for Joy, Federal Correctional Institution GED Graduation Speaker, and volunteering with the Food Pantry; and

WHEREAS, Darryl Bolen exemplifies the spirit of the true volunteer; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Darryl Bolen on being selected to receive the 2004 Gerald Turley Award and commend him for his dedication and hard work toward the betterment of his community; and be it further

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

HOUSE RESOLUTION 952

Offered by Representative Howard:

WHEREAS, The members of the Illinois House of Representatives wish to recognize Gloria Kendrick on being selected as one of the five "2004 Mary I Hill Homecare Assistants of the Year" by the Illinois Association of Community Care Program Homecare Providers (IACCPHP); and

WHEREAS, Homecare assistants are the heart and soul of the Community Care Program; in addition to the various non-medical in-home services that homecare assistants perform, they are also the vital link between the client, homecare agency, and case manager; they are skilled not only in the mechanics of care giving, but are keen observers and reporters; the older citizens of Illinois have the opportunity to age with dignity and respect where they want to be, in their own homes, because of the wonderful homecare assistants employed by over 60 contracted providers; and

WHEREAS, Ms. Kendrick, along with other awardees, was honored at a luncheon hosted by the IACCPHP on May 11, 2004 at the Governor's Mansion in Springfield; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize Gloria Kendrick on being selected as a "2004 Mary I Hill Homecare Assistants of the Year" and honor her dedication to the elder citizens of this State; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Gloria Kendrick as a token of our respect.

HOUSE RESOLUTION 953

Offered by Representative Rose:

WHEREAS, The members of the House of Representatives of the State of Illinois are pleased to congratulate the City of Arcola on the occasion of its 15th Annual Original Raggedy Ann & Andy Festival; and

WHEREAS, The legacy of Arcola native Johnny Gruelle is celebrated during the annual festival; Arcola is the birthplace of Johnny Gruelle, who created Raggedy Ann and Andy, the red-haired dolls that have helped brighten the lives of children for decades; and

WHEREAS, Each year, the festival brings a vast array of visitors to Arcola from across the globe, with doll collectors and others increasingly drawn to Raggedy Ann and Andy in recent years, the festival

continues to grow; merchants of Raggedy Ann and Andy items offer their wares along the streets and in the Arcola Center during the festival, attracting a large gathering of collectors; and

WHEREAS, Each year, over 25,000 people visit Arcola for Raggedy Ann & Andy related activities; and

WHEREAS, The festival begins at 6 p.m. on Friday, May 21, 2004 with a Country Picnic Dinner; other festivities include the 4th Annual Raggedy Ann & Andy Walk on Saturday, May 22, 2004, entertainment, a book signing, a street dance, the Annual Raggedy Ann Parade, a Circus Tea Party, and a Sunday Brunch; and

WHEREAS, Arcola is home to the Raggedy Ann & Andy Museum, where the spirit of the dolls is brought to life in dozens of displays with help from some of Johnny Gruelle's descendants; and

WHEREAS, The Raggedy Ann & Andy Festival offers the largest collection of Raggedy Ann merchandise at one place in the world; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the City of Arcola on the occasion of its 15th Annual Original Raggedy Ann & Andy Festival; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the City of Arcola as an expression of our esteem.

HOUSE RESOLUTION 954

Offered by Representatives Lindner and Chapa LaVia:

WHEREAS, The members of the House of Representatives of the State of Illinois are pleased to recognize milestone events in the history of congregations in the State; and

WHEREAS, It has come to our attention that Temple B'nai Israel of Aurora will be celebrating its centennial during the year 2004; and

WHEREAS, In the late 19th and early 20th century, a number of Eastern European Jews arrived in the Aurora area as part of the second great European emigration; by 1904, about 20 Jewish families had settled in Aurora; and

WHEREAS, The beginnings of organized worship were relatively informal; a local business man, Barnett Yellin, led the services and taught the children in religious school; the early congregants informally took on the name "Sons of Abraham" and prayed in various rented halls that were above the businesses in downtown Aurora; by 1916, the group was more formally organized and charged minimal dues; from time to time, rabbis came from Chicago to lead services, especially for the High Holy Days, Rosh Hashanah and Yom Kippur; and

WHEREAS, The first full-time rabbi, Nathan Rubenstein, was engaged in the early 1920s; around that time, the congregants chose a new name, Young Men's Hebrew Association of Aurora (YMHA); this unusual name was said to reflect the congregants' feelings that they were more than a congregation; they were a community representing one of the most unusual Jewish communities in the United States because they represented every aspect, both religious and cultural; and

WHEREAS, In 1923, a State charter was granted to the YMHA; officers and a board of directors were selected and immediately began to plan for a permanent house of worship; the congregation's building, the YMHA Temple, was completed in 1927; it still stands on North Lincoln Avenue on the edge of downtown Aurora; and

WHEREAS, In 1961, the congregation moved to its present site, located at 400 North Edgelawn in Aurora; the building provides a sanctuary seating 200, a small chapel that accommodates 50, a full set of classrooms for religious education, and a large social hall that can be converted to an addition to the sanctuary to accommodate additional congregants, especially during High Holy Days; and

WHEREAS, During the previous year, coincident with the move to the present location, the group changed its name to Temple B'nai Israel; at that time, membership comprised about 130 to 140 families, with almost all living in Aurora; and

WHEREAS, A number of rabbis have served the congregation over the 100 year period and some went on to distinguished national careers; notably, Rabbi Hyman Agress served for 35 years, from 1963 to 1998; since 2001, Rabbi Shmuel Mann has led the congregation; the group is governed by a board of directors and a board of trustees; the current president is Esther Pollock; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Temple B'nai Israel on the occasion of

its centennial; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Temple B'nai Israel as an expression of our respect and esteem and with best wishes for the congregation's continued success.

HOUSE RESOLUTION 956

Offered by Representative McAuliffe:

WHEREAS, The members of the Illinois House of Representatives were saddened to learn of the death of Louis J. Kasper; and

WHEREAS, Mr. Kasper was a dedicated Republican who served the party for over 40 years; and

WHEREAS, Through the years, he served as the Administrative Assistant to the State's Attorney Ben Adamowski and Cook County State's Attorney Casey, Chief Deputy Baliff to Sheriff Richard Ogilvie, Republican Ward Committeeman, Chief Deputy Sheriff under Sheriff Joseph Woods, Chicago Republican City Chairman for 30 years, Cook County Republican Central Committee Chairman, and Administrator of the Chicago Medical Center under former Governors Jim Thompson and Jim Edgar; in addition, he served as a State Legislator for the 17th district and Assistant Secretary of State for Jim Edgar; and

WHEREAS, He was a loving and loyal friend to all; and

WHEREAS, The passing of Louis J. Kasper will be deeply felt by many, especially his late significant other's children, Lori Magnifico; nee Mrazek (Richard Wesley), Donna (Edward) Karda, Margaret (Anthony) Perry; his sisters, Sonia (Grover) Nash, Josephine Chyler, Ann Hicks, Helen (Harold) Nash, Mary (Roman) Gerke; his nieces and nephews, Dorothy (nee Hatch) Nash, James (Mary) Gerke, Harold Nash, David (Lois) Hicks, Robert Hicks, Victoria Williams (nee Hicks), and Peter (Diane) Chyler; in addition, he was the loving grandpa of Jessica Magnifico; and

WHEREAS, He was preceded in death by his significant other, Marilyn Mrazek (nee Hahn); his brother, John; his brothers-in-law, Henry Chyler and Dave Hicks; and his nephew, Douglas Nash; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Louis J. Kasper 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 Louis J. Kasper as a token of our deepest sympathy.

HOUSE RESOLUTION 957

Offered by Representative Osterman:

WHEREAS, The members of the Illinois House of Representatives wish to recognize John Chester of Chicago on the occasion of his retirement; and

WHEREAS, John Chester has been a key player in the political and organizational development of Chicago's gay and lesbian community for almost 30 years; a native of Detroit, he is a graduate of the University of Notre Dame and a telecommunications specialist by profession; and

WHEREAS, Chester's first Chicago involvement was with the Uptown Center of Hull House; it was there that he learned how to adapt his considerable administrative skills and organizational abilities to best advantage within a not for profit business environment; he chaired the Uptown Housing Committee, working to combat redlining and develop decent low income housing along the lakefront; as an offshoot of this and to help the working poor to establish credit, Chester founded and served as the president of the Northside Community Federal Credit Union; and

WHEREAS, Chester was a founding board member of the Crossroads Fund, also serving thereon as a gay/lesbian community representative; he later served as a board member and vice president of Dignity/Chicago during the period in which the organization opened a permanent office; as a board member and president of the Rodde Fund, he prompted the development of the group's organizational infrastructure; he also served as a board member and chair of Chicago House at a pivotal time in this highly respected AIDS housing provider's organizational evolution; and

WHEREAS, His first love, however, has always been politics; in 1971, Chester joined Illinois Gays for

Legislative Action to work on an early version of what would later become Chicago's human rights ordinance; in 1973, he was a founding member of the Gay Rights Task Force of the Alliance To End Repression, which became the Illinois Gay Rights (now Gay and Lesbian) Task Force; in 1977, he became co-chairperson of the IGRTF's State bill project, remaining actively involved until 1983; during the early 1980s, Chester was the president of OPEN (Organization Promoting Equality Now), Chicago's first gay and lesbian political action committee; he is currently the president of the Illinois Federation for Human Rights Political Action Committee, and he serves on the boards of directors of Personal PAC, which supports "pro choice" candidates for office, and Illinois Public Action, which promotes utility and health care reform; and

WHEREAS, In addition, Chester has been highly visible in his support of and work for many individual candidates for public office; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate John Chester on his well deserved retirement and wish him good health and happiness in all his future endeavors; and be it further

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

HOUSE RESOLUTION 958

Offered by Representative Osterman:

WHEREAS, The members of the Illinois House of Representatives wish to recognize Keith Donovan on the occasion of his retirement from his position as park supervisor of the Broadway Armory Park in Chicago; and

WHEREAS, Mr. Donovan began his career with the Chicago Park District in 1970 as a Summer Recreation Leader at Chase Park; and

WHEREAS, He served as a physical instructor at Merrimac Park and Jenson Park; he then became park supervisor at Kilbourn Park, Blackhawk Park, and Cragin Park before becoming park supervisor of Broadway Armory Park in 1999;

WHEREAS, A retirement celebration is planned for May 27, 2004 in honor of his retirement; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Keith Donovan on his retirement after many years of dedicated service; and we wish him well in all his future endeavors; and be it further

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

HOUSE RESOLUTION 959

Offered by Representative Mathias:

WHEREAS, The members of the House of Representatives of the State of Illinois learned with regret of the death of Fredric C. Olds of Prospect Heights, on Saturday, April 24, 2004; and

WHEREAS, Fredric C. Olds was born on May 22, 1916, in Lansing, Michigan; he valiantly served his country in the U.S. Navy during World War II; he played on the football team at the University of Michigan from 1936 to 1939; and

WHEREAS, Mr. Olds was an experienced mechanical engineer as well as the executive editor for Power Engineering Magazine; he was recognized as an international expert on nuclear power and traveled extensively throughout the world giving talks and presentations on this subject; and

WHEREAS, Mr. Olds was a founding father and alderman of Prospect Heights; he and his wife, Nancy, joined the Prospect Heights Improvement Association (PHIA) around 1970; Mrs. Olds used her writing skills and became the editor of the Prospect Heights Town Bulletin in 1973, and Mr. Olds enjoyed taking pictures and became the Town Bulletin photographer; and

WHEREAS, As a member of the PHIA, Mr. Olds was head of the Environmental Action Force, which addressed developmental activities in and around the Prospect Heights community, many of which could have had a negative impact on the environment; he saw the wisdom of incorporating Prospect Heights and

participated in educating the public on these benefits; he led discussions at neighborhood resident meetings regarding incorporation; and

WHEREAS, Mr. Olds was elected to serve as an Alderman on the first City Council; he was appointed to serve as Chairman of the Building Committee; his committee established the basis for the City's building, electrical, and plumbing codes; and

WHEREAS, Mr. Olds was active in the 1976 Bicentennial Celebration on the Bicentennial Commission; he also helped to start the Prospect Heights-Wheeling Chamber of Commerce in the 1980s and had served on the Chamber since its formation; he and his wife donated the City Clock in commemoration of the 25th anniversary of Prospect Heights; and

WHEREAS, The passing of Fredric C. Olds has been deeply felt by many, especially his wife, Nancy (nee Surgenor); his children, Patricia Olds and Fredric Jr. (Kathryn); his sisters, Miriam Speir and Janet Lanham; his grandchildren, Stephanie and David Atlee, Nancy Ensrud, and Peter Olds; and his five great-grandchildren; he was preceded in death by his daughter, Hollis Olds; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Fredric C. Olds, and we extend our deepest sympathy to his family, friends, and community; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Fredric C. Olds as an expression of our sincere condolences.

HOUSE RESOLUTION 961

Offered by Representative Brosnahan:

WHEREAS, The members of the Illinois House of Representatives wish to congratulate Dr. Sandra Bury, an Oak Lawn optometrist, on being recognized as the 2004 "Young Optometrist of the Year" by the American Optometric Association; and

WHEREAS, Since her graduation from the Illinois College of Optometry in 1995, Dr. Bury has accepted leadership responsibility in her professional organization, the Illinois Optometric Association; and

WHEREAS, Dr. Bury's activities involve the Oak Lawn Rotary Club, the Illinois Volunteer Optometric Services to Humanity (VOSH) Illinois Chapter, and many board memberships; she was awarded the prestigious Paul Harris Fellow award for her leadership and volunteer service in the Oak Lawn Rotary Club; the Rotary Club is dedicated to providing services in the community, state, nation, and the world to those in need; and

WHEREAS, In her service to humanity through VOSH, Dr. Bury has been to six foreign countries as a volunteer optometrist, paying her own expenses to examine the eyes of the poor; her trips include leading a mission to Nicaragua, and co-leading missions to Peru and Lithuania; the mission leader must make all physical arrangements in the host country and recruit all personnel, including other optometrists and support persons as well as supervise the collection and packing of eight to ten thousand pairs of used eye glasses; she has also been to Mexico, Ecuador, and the Dominican Republic; each VOSH mission usually examines 1,500 to 2,000 persons; she and her associate in practice, Dr. Floyd Woods, traveled to Lithuania and were doing examinations on 9/11/01; and

WHEREAS, Dr. Bury currently participates in several domestic missions throughout Chicagoland and established a mission in her hometown to examine the eyes of the homeless through the PADS program; and

WHEREAS, She is currently President of the South Suburban Optometric Society of the Illinois Optometric Association; during her presidency she has helped, with the assistance of the West Suburban Optometric society, to charter a new optometric society in the Joliet area; this is the first new optometric society to be organized in Illinois in many years; and

WHEREAS, Dr. Bury is a member of the Professional Advisory Council of the Chicago Lighthouse for the Blind and Visually impaired; and Prevent Blindness America recognized Dr. Bury with a "Woman of Vision Award" in 2002; and

WHEREAS, Dr. Bury has assembled a wonderful staff of highly trained, capable technicians, receptionists, and opticians to assist her in her private practice of optometry; without her skilled staff, Dr. Bury would not be able to accomplish the recognition she has earned; and

WHEREAS, Dr. Bury will be recognized for her achievements at the annual meeting of the American Optometric Association in Orlando, Florida on June 24th, 2004; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Dr. Sandra Bury on being recognized as the 2004 "Young Optometrist of the Year" and recognize all her hard work and dedication; and be it further

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

RECALL

By unanimous consent, on motion of Representative Rita, SENATE BILL 2844 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

SENATE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Holbrook, SENATE BILL 1914 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: 80, Yeas; 38, Nays; 0, Answering Present.

(ROLL CALL 2)

This bill, as amended, 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 in the House amendment/s adopted.

On motion of Representative Richard Bradley, SENATE BILL 2248 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 99, Yeas; 18, Nays; 1, Answering Present.

(ROLL CALL 3)

This bill, as amended, 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 in the House amendment/s adopted.

On motion of Representative Delgado, SENATE BILL 2731 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 4)

This bill, as amended, 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 in the House amendment/s adopted.

On motion of Representative Richard Bradley, SENATE BILL 3200 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; 23, Nays; 0, Answering Present.

(ROLL CALL 5)

This bill, as amended, 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 in the House amendment/s adopted.

SENATE BILLS ON SECOND READING

SENATE BILL 132. 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 Senate Bill 132 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by adding Division 1-7 to Article 1 as follows:

(55 ILCS 5/Art. 1 Div. 1-7 heading new)

Ineligibility for Elected County Office

(55 ILCS 5/1-7005 new)

Sec. 1-7005. Ineligibility for elected county office. A person is not eligible for an elective county office if that person is in arrears in the payment of a tax or other indebtedness due to the county or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.

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

Representative Brady offered the following amendment and moved its adoption:

AMENDMENT NO. 2 . Amend Senate Bill 132, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 3-3013 as follows:

(55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

Sec. 3-3013. Preliminary investigations; blood and urine analysis; summoning jury. Every coroner, whenever, as soon as he knows or is informed that the dead body of any person is found, or lying within his county, whose death is suspected of being:

(a) A sudden or violent death, whether apparently suicidal, homicidal or accidental, including but not limited to deaths apparently caused or contributed to by thermal, traumatic, chemical, electrical or radiational injury, or a complication of any of them, or by drowning or suffocation, or as a result of domestic violence as defined in the Illinois Domestic Violence Act of 1986;

(b) A maternal or fetal death due to abortion, or any death due to a sex crime or a crime against nature;

(c) A death where the circumstances are suspicious, obscure, mysterious or otherwise unexplained or where, in the written opinion of the attending physician, the cause of death is not determined;

(d) A death where addiction to alcohol or to any drug may have been a contributory cause; or

(e) A death where the decedent was not attended by a licensed physician;

shall go to the place where the dead body is, and take charge of the same and shall make a preliminary investigation into the circumstances of the death. In the case of death without attendance by a licensed physician the body may be moved with the coroner's consent from the place of death to a mortuary in the same county. Coroners in their discretion shall notify such physician as is designated in accordance with Section 3-3014 to attempt to ascertain the cause of death, either by autopsy or otherwise.

In cases of accidental death involving a motor vehicle in which the decedent was (1) the operator or a suspected operator of a motor vehicle, or (2) a pedestrian 16 years of age or older, the coroner shall require that a blood specimen of at least 30 cc., and if medically possible a urine specimen of at least 30 cc. or as much as possible up to 30 cc., be withdrawn from the body of the decedent in a timely fashion after ~~within 6 hours of~~ the accident causing his death, by such physician as has been designated in accordance with Section 3-3014, or by the coroner or deputy coroner or a qualified person designated by at the direction of ~~such physician, coroner, or deputy coroner~~. If the county does not maintain laboratory facilities for making such analysis, the blood and urine so drawn shall be sent to the Department of State Police or any other accredited or State-certified laboratory for analysis ~~, when necessary,~~ of the alcohol, carbon monoxide, and dangerous or narcotic drug content of such blood and urine specimens. Each specimen submitted shall be accompanied by pertinent information concerning the decedent upon a form prescribed by such laboratory. ~~Department. If the analysis is performed in county laboratory facilities, the coroner shall forward the results of each analysis and pertinent information concerning the decedent to the Department of Public Health upon a form prescribed by such Department. The coroner causing the blood and urine to be withdrawn shall be notified of the results of any analysis made by the Department of State Police and the Department of~~

~~Public Health shall keep a record of the results of all such examinations to be used for statistical purposes. The cumulative results of the examinations, without identifying the individuals involved, shall be disseminated and made public by the Department of Public Health. Any person drawing blood and urine and any person making any examination of the blood and urine under the terms of this Division shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed. The coroner shall be paid a fee of \$10 by the Department of Public Health for each acceptable set of blood and urine specimens sent to the Department of State Police forensic science laboratory accompanied by the required form or for each report of analysis performed by a county laboratory furnished upon the required form. Upon collection, the coroner shall pay the fee over to the county treasurer for deposit in the general fund of the county.~~

In all other cases coming within the jurisdiction of the coroner and referred to in subparagraphs (a) through (e) above, blood, and whenever possible, urine samples shall be analyzed for the presence of alcohol and other drugs. When the coroner suspects that drugs may have been involved in the death, either directly or indirectly, a toxicological examination shall be performed which may include analyses of blood, urine, bile, gastric contents and other tissues. When the coroner suspects a death is due to toxic substances, other than drugs, the coroner shall consult with the toxicologist prior to collection of samples. Information submitted to the toxicologist shall include information as to height, weight, age, sex and race of the decedent as well as medical history, medications used by and the manner of death of decedent.

Except in counties that have a jury commission, in cases of apparent suicide, homicide, or accidental death or in other cases, within the discretion of the coroner, the coroner shall summon 8 persons of lawful age from those persons drawn for petit jurors in the county. The summons shall command these persons to present themselves personally at such a place and time as the coroner shall determine, and may be in any form which the coroner shall determine and may incorporate any reasonable form of request for acknowledgement which the coroner deems practical and provides a reliable proof of service. The summons may be served by first class mail. From the 8 persons so summoned, the coroner shall select 6 to serve as the jury for the inquest. Inquests may be continued from time to time, as the coroner may deem necessary. The 6 jurors selected in a given case may view the body of the deceased. If at any continuation of an inquest one or more of the original jurors shall be unable to continue to serve, the coroner shall fill the vacancy or vacancies. A juror serving pursuant to this paragraph shall receive compensation from the county at the same rate as the rate of compensation that is paid to petit or grand jurors in the county. The coroner shall furnish to each juror without fee at the time of his discharge a certificate of the number of days in attendance at an inquest, and, upon being presented with such certificate, the county treasurer shall pay to the juror the sum provided for his services.

In counties which have a jury commission, in cases of apparent suicide or homicide or of accidental death, the coroner shall, and in other cases in his discretion may, conduct an inquest. The jury commission shall provide at least 8 jurors to the coroner, from whom the coroner shall select any 6 to serve as the jury for the inquest. Inquests may be continued from time to time as the coroner may deem necessary. The 6 jurors originally chosen in a given case may view the body of the deceased. If at any continuation of an inquest one or more of the 6 jurors originally chosen shall be unable to continue to serve, the coroner shall fill the vacancy or vacancies. At the coroner's discretion, additional jurors to fill such vacancies shall be supplied by the jury commission. A juror serving pursuant to this paragraph in such county shall receive compensation from the county at the same rate as the rate of compensation that is paid to petit or grand jurors in the county.

In addition, in every case in which domestic violence is determined to be a contributing factor in a death, the coroner shall report the death to the Department of State Police.

All deaths in State institutions and all deaths of wards of the State in private care facilities or in programs funded by the Department of Human Services under its powers relating to mental health and developmental disabilities or alcoholism and substance abuse or funded by the Department of Children and Family Services shall be reported to the coroner of the county in which the facility is located. If the coroner has reason to believe that an investigation is needed to determine whether the death was caused by maltreatment or negligent care of the ward of the State, the coroner may conduct a preliminary investigation of the circumstances of such death as in cases of death under circumstances set forth in paragraphs (a) through (e) of this Section.

(Source: P.A. 91-521, eff. 1-1-00.)"

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

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

Having been read by title a second time on May 12, 2004 and held, the following bill was taken up and advanced to the order of Third Reading: SENATE BILL 1006.

SENATE BILL 827. Having been read by title a second time on May 12, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Grunloh offered the following amendment and moved its adoption.

AMENDMENT NO. 1 . Amend Senate Bill 827 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 356z.4 as follows:

(215 ILCS 5/356z.4)

Sec. 356z.4. Coverage for contraceptives.

(a) An individual or group policy of accident and health insurance amended, delivered, issued, or renewed in this State after the effective date of this amendatory Act of the 93rd General Assembly that provides coverage for outpatient services and outpatient prescription drugs or devices must provide coverage for the insured and any dependent of the insured covered by the policy for all outpatient contraceptive services and all outpatient contraceptive drugs and devices approved by the Food and Drug Administration. Coverage required under this Section may not impose any deductible, coinsurance, waiting period, or other cost-sharing or limitation that is greater than that required for any outpatient service or outpatient prescription drug or device otherwise covered by the policy.

(b) As used in this Section, "outpatient contraceptive service" means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.

(c) Nothing in this Section shall be construed to require an insurance company to cover services related to an abortion as the term "abortion" is defined in the Illinois Abortion Law of 1975.

(d) Nothing in this Section shall be construed to require an insurance company to cover services related to permanent sterilization that requires a surgical procedure.

(e) The services, drugs, and devices required to be covered under this Section are not required to be contained in any policy or plan issued to or by a religious institution or organization or to or by an entity sponsored by a religious institution or organization that finds the services, drugs, and devices required to be covered under this Section to violate its religious and moral teachings and beliefs.

(Source: P.A. 93-102, eff. 1-1-04.)

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

Representative Graham requests a verified roll call.

And on that motion, a vote was taken resulting as follows:

74, Yeas; 43, Nays; 1, Answering Present.

(ROLL CALL 6)

Representative Graham withdrew her request.

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

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

SENATE BILL 1631. Having been read by title a second time on May 29, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Smith offered the following amendment and moved its adoption.

AMENDMENT NO. 1 . Amend Senate Bill 1631 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 15-143 as follows:
(35 ILCS 200/15-143)

Sec. 15-143. Metropolitan Water Reclamation Districts in counties with a population greater than 3,000,000. All property that is located in a county with a population greater than 3,000,000 and that is owned by a metropolitan water reclamation district districts in a county counties with a population greater than 3,000,000 is exempt. Any such property leased to an entity that is not exempt shall remain exempt, and the leasehold interest of the lessee shall be assessed under Section 9-195 of this Code. The changes made by this amendatory Act of the 93rd General Assembly are declaratory of existing law.
(Source: P.A. 91-546, eff. 8-14-99.)

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

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

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

SENATE BILL 2175. Having been printed, was taken up and read by title a second time.

Representative Ryg offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend Senate Bill 2175 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by adding Section 7-3-6.2 as follows:
(65 ILCS 5/7-3-6.2 new)

Sec. 7-3-6.2. Split lots. Notwithstanding any other provision of this Code, the owner or owners of record of a split residential lot may disconnect a portion of the lot which (i) is a residentially zoned and platted lot currently lying partially within the corporate limits of and governed by 2 or more municipalities or lying within the unincorporated area of a county and also within the corporate limits of one or more municipalities, and contains less than 20 acres; (ii) is located on the border of the municipality; and (iii) if disconnected, will not result in the isolation of any part of the municipality from the remainder of the municipality. The owner or owners seeking to disconnect a portion of a split lot from a municipality must petition the court in the manner provided in Section 7-3-6 of this Code. In determining whether a lot shall be disconnected under this Section, the court may consider the following: (i) if disconnected, the growth prospects and planning and zoning ordinances, if any, of the municipality will not be unreasonably disrupted; (ii) if disconnected, no substantial disruption will result to existing municipal service facilities, such as, but not limited to, sewer systems, street lighting, water mains, garbage collection, and fire protection; and (iii) if disconnected, the municipality will not be unduly harmed through loss of tax revenue in the future.

An area of land, or any part thereof, disconnected under the provisions of this Section from a municipality which was incorporated at least 2 years prior to the date of the filing of the petition for disconnection shall not be subdivided into lots or blocks within one year from the date of disconnection. A plat of any such proposed subdivision shall not be accepted for recording within such one-year period, unless the land comprising such proposed subdivision shall have been thereafter annexed into a municipality."

AMENDMENT NO. 2. Amend Senate Bill 2175, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, by replacing line 5 with the following:

"changing Section 5-2-12 and by adding Section 7-3-6.2 as follows:

(65 ILCS 5/5-2-12) (from Ch. 24, par. 5-2-12)

Sec. 5-2-12. Aldermen or trustees elected at large; vacancies; mayor or president to preside.

(a) If a city or village adopts the managerial form of municipal government but does not elect to choose aldermen or trustees from wards or districts, then the following provisions of this Section shall be applicable.

(b) The city council shall be elected at large. In cities of less than 50,000 population, the council shall consist of (i) the mayor and 4 councilmen or (ii) the mayor and 6 councilmen if the size of the city council is increased under subsection (k). In cities of at least 50,000 but less than 100,000 population, the council shall consist of the mayor and 6 councilmen. In cities of at least 100,000 but not more than 500,000

population, the council shall consist of the mayor and 8 councilmen.

(c) Except in villages that were governed by Article 4 immediately before the adoption of the managerial form of municipal government, the village board shall be elected at large and shall consist of a president and the number of trustees provided for in Section 5-2-15 or 5-2-17, whichever is applicable.

(d) The term of office of the mayor and councilmen shall be 4 years, provided that in cities of less than 50,000, the 2 councilmen receiving the lowest vote at the first election shall serve for 2 years only; in cities of at least 50,000 but less than 100,000, the 3 councilmen receiving the lowest vote at the first election shall serve for 2 years only; and in cities of at least 100,000 but not more than 500,000, the 4 councilmen receiving the lowest vote at the first election shall serve for 2 years only.

(e) The election of councilmen shall be every 2 years. After the first election, only 2 councilmen in cities of less than 50,000, 3 councilmen in cities of at least 50,000 but less than 100,000, or 4 councilmen in cities of at least 100,000 but not more than 500,000, shall be voted for by each elector at the primary elections, and only 2, 3, or 4 councilmen, as the case may be, shall be voted for by each elector at each biennial general municipal election, to serve for 4 years.

(f) In addition to the requirements of the general election law, the ballots shall be in the form set out in Section 5-2-13. In cities with less than 50,000, the form of ballot prescribed in Section 5-2-13 shall be further modified by printing in the place relating to councilmen the words "Vote for Two", or "Vote for Three" if the size of the city council is increased under subsection (k), instead of the words "Vote for Four". In cities of at least 50,000 but less than 100,000, the ballot shall be modified in that place by printing the words "Vote for Three" instead of the words "Vote for Four". Sections 4-3-5 through 4-3-18, insofar as they may be applicable, shall govern the election of a mayor and councilmen under this Section.

(g) If a vacancy occurs in the office of mayor or councilman, the remaining members of the council, within 60 days after the vacancy occurs, shall fill the vacancy by appointment of some person to the office for the balance of the unexpired term or until the vacancy is filled by interim election under Section 3.1-10-50, and until the successor is elected and has qualified.

(h) Except in villages that were governed by Article 4 immediately before the adoption of the managerial form of municipal government, in villages that have adopted this Article 5 the term of office of the president, the number of trustees to be elected, their terms of office, and the manner of filling vacancies shall be governed by Sections 5-2-14 through 5-2-17.

(i) Any village that adopts the managerial form of municipal government under this Article 5 and that, immediately before that adoption, was governed by the provisions of Article 4, shall continue to elect a mayor and 4 commissioners in accordance with Sections 4-3-5 through 4-3-18, insofar as they may be applicable, except that the 2 commissioners receiving the lowest vote among those elected at the first election after this Article 5 becomes effective in the village shall serve for 2 years only. After that first election, the election of commissioners shall be every 2 years, and 2 commissioners shall be elected at each election to serve for 4 years.

(j) The mayor or president shall preside at all meetings of the council or board and on all ceremonial occasions.

(k) In cities of less than 50,000 population, the city council may, by ordinance, provide that the city council shall, after the next biennial general municipal election, consist of 6 instead of 4 councilmen. If the size of the council is increased to 6 councilmen, then at the next biennial general municipal election, the electors shall vote for 4 instead of 2 councilmen. Of the 4 councilmen elected at that next election, the one receiving the lowest vote at that election shall serve a 2-year term. Thereafter, all terms shall be for 4 years. (Source: P.A. 87-1119.)".

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

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

SENATE BILL 2238. Having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 lost in the Committee on Executive.

Representative Molaro offered the following amendment and moved its adoption:

AMENDMENT NO. 2 . Amend Senate Bill 2238 by replacing the title with the following:
"AN ACT concerning transportation."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 143a-2 as follows:
(215 ILCS 5/143a-2) (from Ch. 73, par. 755a-2)

Sec. 143a-2. (1) Additional uninsured motor vehicle coverage. No policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle shall be renewed or delivered or issued for delivery in this State with respect to any motor vehicle designed for use on public highways and required to be registered in this State unless uninsured motorist coverage as required in Section 143a of this Code is included in an amount equal to the insured's bodily injury liability limits unless specifically rejected by the insured as provided in paragraph (2) of this Section. Each insurance company providing the coverage must provide applicants with a brief description of the coverage and advise them of their right to reject the coverage in excess of the limits set forth in Section 7-203 of The Illinois Vehicle Code. The provisions of this amendatory Act of 1990 apply to policies of insurance applied for after June 30, 1991.

(2) Right of rejection of additional uninsured motorist coverage. ~~Any named insured or applicant After June 30, 1991, every application for motor vehicle coverage must contain a space for indicating the rejection of additional uninsured motorist coverage. No rejection of that coverage may be effective unless the applicant signs or initials the indication of rejection. The applicant may reject additional uninsured motorist coverage in excess of the limits set forth in Section 7-203 of the Illinois Vehicle Code by making a written request for limits of uninsured motorist coverage which are less than bodily injury liability limits or a written rejection of limits in excess of those required by law. This election or rejection shall be binding on all persons insured under the policy.~~ In those cases ~~, including policies first issued before July 1, 1991,~~ where the insured has elected to purchase limits of uninsured motorist coverage which are less than bodily injury liability limits or to reject limits in excess of those required by law, the insurer need not provide in any renewal, reinstatement, reissuance, substitute, amended, replacement or supplementary policy, coverage in excess of that elected by the insured in connection with a policy previously issued to such insured by the same insurer unless the insured subsequently makes a written request for such coverage.

(3) The original document application indicating the applicant's selection of uninsured motorist coverage limits shall constitute sufficient evidence of the applicant's selection of uninsured motorist coverage limits ~~and shall be binding on all persons insured under the policy~~. For purposes of this Section any reproduction of the document application by means of photograph, photostat, microfiche, computerized optical imaging process, or other similar process or means of reproduction shall be deemed the equivalent of the original document application.

(4) For the purpose of this Code the term "underinsured motor vehicle" means a motor vehicle whose ownership, maintenance or use has resulted in bodily injury or death of the insured, as defined in the policy, and for which the sum of the limits of liability under all bodily injury liability insurance policies or under bonds or other security required to be maintained under Illinois law applicable to the driver or to the person or organization legally responsible for such vehicle and applicable to the vehicle, is less than the limits for underinsured coverage provided the insured as defined in the policy at the time of the accident. The limits of liability for an insurer providing underinsured motorist coverage shall be the limits of such coverage, less those amounts actually recovered under the applicable bodily injury insurance policies, bonds or other security maintained on the underinsured motor vehicle. ~~However, the maximum amount payable by the underinsured motorist coverage carrier shall not exceed the amount by which the limits of the underinsured motorist coverage exceeds the limits of the bodily injury liability insurance of the owner or operator of the underinsured motor vehicle.~~

On or after July 1, 1983, no policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle shall be renewed or delivered or issued for delivery in this State with respect to any motor vehicle designed for use on public highways and required to be registered in this State unless underinsured motorist coverage is included in such policy in an amount equal to the total amount of uninsured motorist coverage provided in that policy where such uninsured motorist coverage exceeds the limits set forth in Section 7-203 of the Illinois Vehicle Code.

The changes made to this subsection (4) by this amendatory Act of the 93rd General Assembly apply to policies issued or renewed on or after January 1, 2005.

(5) Scope. Nothing herein shall prohibit an insurer from setting forth policy terms and conditions which provide that if the insured has coverage available under this Section under more than one policy or

provision of coverage, any recovery or benefits may be equal to, but may not exceed, the higher of the applicable limits of the respective coverage, and the limits of liability under this Section shall not be increased because of multiple motor vehicles covered under the same policy of insurance. Insurers providing liability coverage on an excess or umbrella basis are neither required to provide, nor are they prohibited from offering or making available coverages conforming to this Section on a supplemental basis. Notwithstanding the provisions of this Section, an insurer shall not be prohibited from solely providing a combination of uninsured and underinsured motorist coverages where the limits of liability under each coverage is in the same amount.

(6) Subrogation against underinsured motorists. No insurer shall exercise any right of subrogation under a policy providing additional uninsured motorist coverage against an underinsured motorist where the insurer has been provided with written notice in advance of a settlement between its insured and the underinsured motorist and the insurer fails to advance a payment to the insured, in an amount equal to the tentative settlement, within 30 days following receipt of such notice.

(7) A policy which provides underinsured motor vehicle coverage may include a clause which denies payment until the limits of liability or portion thereof under all bodily injury liability insurance policies applicable to the underinsured motor vehicle and its operators have been partially or fully exhausted by payment of judgment or settlement. A judgment or settlement of the bodily injury claim in an amount less than the limits of liability of the bodily injury coverages applicable to the claim shall not preclude the claimant from making an underinsured motorist claim against the underinsured motorist coverage. Any such provision in a policy of insurance shall be inapplicable if the insured, or the legal representative of the insured, and the insurer providing underinsured motor vehicle coverage agree that the insured has suffered bodily injury or death as the result of the negligent operation, maintenance, or use of an underinsured motor vehicle and, without arbitration, agree also on the amount of damages that the insured is legally entitled to collect. The maximum amount payable pursuant to such an underinsured motor vehicle insurance settlement agreement shall not exceed the amount by which the limits of the underinsured motorist coverage exceed the limits of the bodily injury liability insurance of the owner or operator of the underinsured motor vehicle. Any such agreement shall be final as to the amount due and shall be binding upon both the insured and the underinsured motorist insurer regardless of the amount of any judgment, or any settlement reached between any insured and the person or persons responsible for the accident. No such settlement agreement shall be concluded unless: (i) the insured has complied with all other applicable policy terms and conditions; and (ii) before the conclusion of the settlement agreement, the insured has filed suit against the underinsured motor vehicle owner or operator and has not abandoned the suit, or settled the suit without preserving the rights of the insurer providing underinsured motor vehicle coverage in the manner described in paragraph (6) of this Section.

(Source: P.A. 89-658, eff. 1-1-97.)

Section 10. The Illinois Vehicle Code is amended by changing Sections 1-164.5, 7-203, 7-311, and 7-317 as follows:

(625 ILCS 5/1-164.5)

Sec. 1-164.5. Proof of financial responsibility.

(a) Except as otherwise provided in subsection (b), proof of ability to respond in damages for any liability thereafter incurred resulting from the ownership, maintenance, use or operation of a motor vehicle for bodily injury to or death of any person in the amount of \$20,000, and subject to this limit for any one person injured or killed, in the amount of \$40,000 for bodily injury to or death of 2 or more persons in any one accident, and for damage to property in the amount of \$15,000 resulting from any one accident.

(b) In any case in which the proof of financial responsibility consists of (i) a motor vehicle liability policy, as defined in Section 7-317 of this Code, issued or renewed on or after December 1, 2004 or (ii) a bond issued or renewed on or after December 1, 2004, proof of ability to respond in damages for any liability thereafter incurred resulting from the ownership, maintenance, use or operation of a motor vehicle for bodily injury to or death of any person in the amount of \$30,000, and subject to this limit for any one person injured or killed, in the amount of \$60,000 for bodily injury to or death of 2 or more persons in any one accident, and for damage to property in the amount of \$25,000 resulting from any one accident.

(c) This proof in these amounts shall be furnished for each motor vehicle registered by every person required to furnish this proof.

(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/7-203) (from Ch. 95 1/2, par. 7-203)

Sec. 7-203. Requirements as to policy or bond.

(a) No such policy or bond referred to in Section 7-202 shall be effective under this Section unless issued

by an insurance company or surety company authorized to do business in this State, except that if such motor vehicle was not registered in this State, or was a motor vehicle which was registered elsewhere than in this State at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this Section unless the insurance company or surety company, if not authorized to do business in this State, shall execute a power of attorney authorizing the Secretary of State to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such motor vehicle accident.

(b) Except as provided in subsection (c) ~~However~~, every such policy or bond is subject, if the motor vehicle accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$20,000 because of bodily injury to or death of any one person in any one motor vehicle accident and, subject to said limit for one person, to a limit of not less than \$40,000 because of bodily injury to or death of 2 or more persons in any one motor vehicle accident, and, if the motor vehicle accident has resulted in injury to or destruction of property, to a limit of not less than \$15,000 because of injury to or destruction of property of others in any one motor vehicle accident.

(c) Any policy or bond issued or renewed on or after December 1, 2004 is subject, if the motor vehicle accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$30,000 because of bodily injury to or death of any one person in any one motor vehicle accident and, subject to the limit for one person, to a limit of not less than \$60,000 because of bodily injury to or death of 2 or more persons in any one motor vehicle accident, and, if the motor vehicle accident has resulted in injury to or destruction of property, to a limit of not less than \$25,000 because of injury to or destruction of property of others in any one motor vehicle accident.

(d) Upon receipt of a written motor vehicle accident report from the Administrator the insurance company or surety company named in such notice shall notify the Administrator within such time and in such manner as the Administrator may require, in case such policy or bond was not in effect at the time of such motor vehicle accident.

(Source: P.A. 85-730.)

(625 ILCS 5/7-311) (from Ch. 95 1/2, par. 7-311)

Sec. 7-311. Payments sufficient to satisfy requirements. (a) Except as otherwise provided in subsection (a-1), judgments ~~Judgments~~ herein referred to arising out of motor vehicle accidents occurring on or after January 1, 1956, shall for the purpose of this Chapter be deemed satisfied:

1. When \$20,000 has been credited upon any judgment or judgments rendered in excess of that amount for bodily injury to or the death of one person as the result of any one motor vehicle accident; or
2. When, subject to said limit of \$20,000 as to any one person, the sum of \$40,000 has been credited upon any judgment or judgments rendered in excess of that amount for bodily injury to or the death of more than one person as the result of any one motor vehicle accident; or
3. When \$15,000 has been credited upon any judgment or judgments, rendered in excess of that amount for damages to property of others as a result of any one motor vehicle accident.

(a-1) A Judgment arising out of a motor vehicle accident occurring on or after December 1, 2004, if the judgment debtor is covered by (i) a motor vehicle liability policy, as defined in Section 7-317 of this Code, issued or renewed on or after December 1, 2004 or (ii) a bond issued or renewed on or after December 1, 2004, is satisfied for the purpose of this Chapter:

1. When \$30,000 has been credited upon any judgment or judgments rendered in excess of that amount for bodily injury to or the death of one person as the result of any one motor vehicle accident; or
2. When, subject to the limit of \$30,000 as to any one person, the sum of \$60,000 has been credited upon any judgment or judgments rendered in excess of that amount for bodily injury to or the death of more than one person as the result of any one motor vehicle accident; or
3. When \$25,000 has been credited upon any judgment or judgments, rendered in excess of that amount for damages to property of others as a result of any one motor vehicle accident.

(b) Credit for such amounts shall be deemed a satisfaction of any such judgment or judgments in excess of said amounts only for the purposes of this Chapter.

(c) Whenever payment has been made in settlement of any claim for bodily injury, death or property damage arising from a motor vehicle accident resulting in injury, death or property damage to two or more persons in such accident, any such payment shall be credited in reduction of the amounts provided for in this Section.

(Source: P.A. 85-730.)

(625 ILCS 5/7-317) (from Ch. 95 1/2, par. 7-317)

Sec. 7-317. "Motor vehicle liability policy" defined. (a) Certification. -A "motor vehicle liability policy",

as that term is used in this Act, means an "owner's policy" or an "operator's policy" of liability insurance, certified as provided in Section 7-315 or Section 7-316 as proof of financial responsibility for the future, and issued, except as otherwise provided in Section 7-316, by an insurance carrier duly authorized to transact business in this State, to or for the benefit of the person named therein as insured.

(b) Owner's Policy. --Such owner's policy of liability insurance:

1. Shall designate by explicit description or by appropriate reference, all motor vehicles with respect to which coverage is thereby intended to be granted;

2. Shall insure the person named therein and any other person using or responsible for the use of such motor vehicle or vehicles with the express or implied permission of the insured;

3. Shall, except as otherwise provided in paragraph 4 of this subsection (b), insure every named insured and any other person using or responsible for the use of any motor vehicle owned by the named insured and used by such other person with the express or implied permission of the named insured on account of the maintenance, use or operation of any motor vehicle owned by the named insured, within the continental limits of the United States or the Dominion of Canada against loss from liability imposed by law arising from such maintenance, use or operation, to the extent and aggregate amount, exclusive of interest and cost, with respect to each motor vehicle, of \$20,000 for bodily injury to or death of one person as a result of any one accident and, subject to such limit as to one person, the amount of \$40,000 for bodily injury to or death of all persons as a result of any one accident and the amount of \$15,000 for damage to property of others as a result of any one accident.

4. Shall, with regard to policies issued or renewed on or after December 1, 2004, insure every named insured and any other person using or responsible for the use of any motor vehicle owned by the named insured and used by any other person with the express or implied permission of the named insured on account of the maintenance, use, or operation of any motor vehicle owned by the named insured, within the continental limits of the United States or the Dominion of Canada against loss from liability imposed by law arising from that maintenance, use, or operation, to the extent and aggregate amount, exclusive of interest and cost, with respect to each motor vehicle, of \$30,000 for bodily injury to or death of one person as a result of any one accident and, subject to that limit as to one person, the amount of \$60,000 for bodily injury to or death of all persons as a result of any one accident, and the amount of \$25,000 for damage to property of others as a result of any one accident.

(c) Operator's Policy. --When an operator's policy is required, it shall insure the person named therein as insured against the liability imposed by law upon the insured for bodily injury to or death of any person or damage to property to the amounts and limits above set forth and growing out of the use or operation by the insured within the continental limits of the United States or the Dominion of Canada of any motor vehicle not owned by him.

(d) Required Statements in Policies. --Every motor vehicle liability policy must specify the name and address of the insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, and shall contain an agreement that the insurance thereunder is provided in accordance with the coverage defined in this Act, as respects bodily injury and death or property damage or both, and is subject to all the provisions of this Act.

(e) Policy Need Not Insure Workers' Compensation. --Any liability policy or policies issued hereunder need not cover any liability of the insured assumed by or imposed upon the insured under any workers' compensation law nor any liability for damage to property in charge of the insured or the insured's employees.

(f) Provisions Incorporated in Policy. --Every motor vehicle liability policy is subject to the following provisions which need not be contained therein:

1. The liability of the insurance carrier under any such policy shall become absolute whenever loss or damage covered by the policy occurs and the satisfaction by the insured of a final judgment for such loss or damage shall not be a condition precedent to the right or obligation of the carrier to make payment on account of such loss or damage.

2. No such policy may be cancelled or annulled as respects any loss or damage, by any agreement between the carrier and the insured after the insured has become responsible for such loss or damage, and any such cancellation or annulment shall be void.

3. The insurance carrier shall, however, have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in the policy.

4. The policy, the written application therefor, if any, and any rider or endorsement which shall not conflict with the provisions of this Act shall constitute the entire contract between the parties.

(g) Excess or Additional Coverage. --Any motor vehicle liability policy may, however, grant any lawful coverage in excess of or in addition to the coverage herein specified or contain any agreements, provisions, or stipulations not in conflict with the provisions of this Act and not otherwise contrary to law.

(h) Reimbursement Provision Permitted. --The policy may provide that the insured, or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions or conditions of the policy; and further, if the policy shall provide for limits in excess of the limits specified in this Act, the insurance carrier may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defense which it may be entitled to plead against the insured.

(i) Proration of Insurance Permitted. --The policy may provide for the pro-rating of the insurance thereunder with other applicable valid and collectible insurance.

(j) Binders. --Any binder pending the issuance of any policy, which binder contains or by reference includes the provisions hereunder shall be sufficient proof of ability to respond in damages.

(k) Copy of Policy to Be Filed with Department of Insurance--Approval. --A copy of the form of every motor vehicle liability policy which is to be used to meet the requirements of this Act must be filed, by the company offering such policy, with the Department of Insurance, which shall approve or disapprove the policy within 30 days of its filing. If the Department approves the policy in writing within such 30 day period or fails to take action for 30 days, the form of policy shall be deemed approved as filed. If within the 30 days the Department disapproves the form of policy filed upon the ground that it does not comply with the requirements of this Act, the Department shall give written notice of its decision and its reasons therefor to the carrier and the policy shall not be accepted as proof of financial responsibility under this Act.

(l) Insurance Carrier Required to File Certificate. --An insurance carrier who has issued a motor vehicle liability policy or policies or an operator's policy meeting the requirements of this Act shall, upon the request of the insured therein, deliver to the insured for filing, or at the request of the insured, shall file direct, with the Secretary of State a certificate, as required by this Act, which shows that such policy or policies have been issued. No insurance carrier may require the payment of any extra fee or surcharge, in addition to the insurance premium, for the execution, delivery or filing of such certificate.

(m) Proof When Made By Endorsement. --Any motor vehicle liability policy which by endorsement contains the provisions required hereunder shall be sufficient proof of ability to respond in damages.

(Source: P.A. 85-730.)

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

Representative Dunkin requests a verified roll call.

And on that motion, a vote was taken resulting as follows:

5, Yeas; 113, Nays; 0, Answering Present.

(ROLL CALL 7)

Representative Dunkin withdraws his request.

And the motion on the adoption of the amendment was lost.

There being no further amendments, the bill was ordered held on the order of Second Reading.

SENATE BILL 2222. Having been printed, was taken up and read by title a second time.

Representative Younge offered the following amendment and moved its adoption:

AMENDMENT NO. 1 . Amend Senate Bill 2222 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Mid-America Medical District Act.

Section 5. Creation of District. There is created in the City of East Saint Louis the Mid-America Medical District, hereinafter called the District, whose boundaries are Martin Luther King Drive on the Northeast, 10th Street up to Trendley Avenue on the Southeast, Trendley Avenue and the confluence of I-64, I-70, and I-55 on the Southwest and West, and a line north of Collinsville, parallel to Collinsville, so as to include both sides of Collinsville on the Northwest, excluding any part of the City Hall complex and any property belonging to the federal government. The District is created to attract and retain academic centers of excellence, viable health care facilities, medical research facilities, emerging high technology enterprises, and other facilities and uses as permitted by this Act.

Section 10. Mid-America Medical District Commission.

(a) There is hereby created a body politic and corporate under the corporate name of Mid-America Medical District Commission, hereinafter called the Commission, whose general purpose in addition to and not in limitation of those purposes and powers set forth in other Sections of this Act is to:

(1) maintain the proper surroundings for a medical center and a related technology center in order to attract, stabilize, and retain therein hospitals, clinics, research facilities, educational facilities, or other facilities permitted under this Act;

(2) provide for the orderly expansion of (i) various county and local governmental facilities as permitted under this Act, (ii) other ancillary or related facilities that the Commission may from time to time determine are established and operated for any aspect of the carrying out of the Commission's purposes as set forth in this Act, or are established and operated for the study, diagnosis, treatment, and prevention of human ailments and injuries, whether physical or mental, or to promote medical, surgical, and scientific research and knowledge as permitted under this Act, (iii) medical research and high technology parks, together with the necessary land, buildings, facilities, equipment, and personal property therefore, and (iv) facilities devoted to the research and advancement of health care related issues and policies.

(b) The Commission shall have perpetual succession, power to contract and be contracted with, to sue and be sued except in actions sounding in tort, to plead and be impleaded, to have and use a common seal, and to alter that seal at its pleasure. All actions sounding in tort against the Commission shall be prosecuted in the Court of Claims.

The principal office of the Commission shall be in the City of East Saint Louis, and the Commission may establish other offices within the State of Illinois at any places that the Commission deems advisable. The Commission shall consist of 9 members, 4 of whom shall be appointed by the Governor, 2 by the Mayor of East Saint Louis, and 3 by the Chairman of the County Board of St. Clair County. All members shall hold office for a term of 3 years and until their successors are appointed as provided in this Act; provided, that as soon as possible after the effective date of this Act, the Governor shall appoint 4 members for terms expiring, respectively, on December 31, 2005, 2006, 2007, and 2008, the St. Clair County Board Chairman shall appoint 3 members for terms expiring, respectively, on December 31, 2005, 2006, and 2007, and the Mayor of East Saint Louis, with the advice and consent of the City Council, shall appoint 2 members for terms expiring, respectively, on December 31, 2005, and 2006. Any vacancy in the membership of the Commission occurring by reason of the death, resignation, disqualification, removal or inability or refusal to act of any of the members of the Commission shall be filled by the person who had appointed the particular member, and for the unexpired term of office of that particular member. A vacancy caused by the expiration of the period for which the member was appointed shall be filled by a new appointment for a term of 3 years from the date of expiration of the prior 3 year term notwithstanding when that appointment is actually made.

The Commission shall obtain, pursuant to the provisions of the Personnel Code, any personnel that the Commission deems advisable to carry out the purposes of this Act and the work of the Commission. The Commission may appoint a General Attorney and define the duties of that General Attorney.

The Commission shall hold regular meetings annually for the election of a president, vice-presidents, a secretary, and a treasurer, and for the adoption of a budget. Special meetings may be called by the President or by any 2 members. Each member shall take an oath of office for the faithful performance of his or her duties. Five members of the Commission shall constitute a quorum for the transaction of business. The Commission shall submit, to the General Assembly, the Saint Clair County Board, and the East Saint Louis City Council, not later than March 1 of each odd-numbered year, a detailed report covering its operations for the 2 preceding calendar years and a statement of its program for the next 2 years. The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader, and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate, and the Legislative Research Unit, as required by Section 3.1 of the General Assembly Organization Act, and by filing any additional copies with the State Government Report Distribution Center for the General Assembly that is required under paragraph (t) of Section 7 of the State Library Act.

The requirement for reporting to Saint Clair County shall be satisfied by filing copies of the report with the Chairman of the Saint Clair County Board. The requirement of reporting to the East Saint Louis City Council shall be satisfied by filing copies of the report with the City Clerk.

Section 15. Grants, loans, and contracts. The Commission may apply for and accept grants, loans, or

appropriations from the State of Illinois, the federal government, any State or federal agency or instrumentality, or any other person or entity to be used for any of the purposes of the District and may enter into any agreement with the State of Illinois, the federal government, any State or federal instrumentality, or any person or entity in relation to the grants, matching grants, loans, or appropriations. The Commission also may, by contractual agreement, accept and collect assessments or fees for District enhancements and improvements, common area shared services, shared facilities, or other activities or expenditures in furtherance of the purposes of this Act.

Section 20. Property; acquisition. The Commission is authorized to acquire the fee simple title to real property lying within the District and personal property required for its purposes, by gift, purchase, or otherwise, and title thereto shall be taken in the corporate name of the Commission. The Commission may acquire by lease any real and personal property found by the Commission to be necessary for its purposes and to which the Commission finds that it need not acquire the fee simple title for carrying out of its purposes.

Section 25. Authority to construct or acquire. The Commission may, in its corporate capacity, construct or cause or permit to be constructed in the District, hospitals, sanitariums, clinics, laboratories, or any other institution, building or structure or other ancillary or related facilities that the Commission may, from time to time, determine are established and operated for the carrying out of any aspect of the Commission's purpose as set forth in this Act or are established and operated for the study, diagnosis, and treatment of human ailments and injuries, whether physical or mental, or to promote medical, surgical, and scientific research and knowledge, or for any uses the Commission shall determine will support and nurture facilities, and uses permitted by this Act, or for such nursing, extended care, or other facilities as the Commission shall find useful in the study of, research in, or treatment of illnesses or infirmities peculiar to aged people, after a public hearing to be held by any Commissioner or other person authorized by the Commission to conduct the same, at which Commissioner or other person shall have the power to administer oaths and affirmations and take the testimony of witnesses and receive any documentary evidence as shall be pertinent, the record of which hearing he or she shall certify to the Commission, which record shall become part of the records of the Commission, notice of the time, place, and purpose of the hearings to be given by a single publication notice in a secular newspaper of general circulation in St. Clair County at least 10 days prior to the date of such hearing, or for such institutions as shall engage in the training, education, or rehabilitation of persons who by reason of illness or physical infirmity are wholly or partially deprived of their powers of vision or hearing or of the use of such other part or parts of their bodies as prevent them from pursuing normal activities of life, or office buildings for physicians or dealers in medical accessories, or dormitories, homes or residences for the medical profession, including interns, nurses, students or other officers or employees of the institutions within the District, or for the use of relatives of patients in the hospitals or other institutions within the District, or for the rehabilitation or establishment of residential structures within a currently effective historic district properly designated under a federal statute or a State or local statute that has been certified by the Secretary of the Interior to the Secretary of the Treasury as containing criteria which will substantially achieve the purpose of preserving and rehabilitating buildings of historic significance to the District, or such other areas of the District as the Commission shall designate, for research, development and resultant production, in any of the fields of medicine, chemistry, pharmaceuticals, physics, and genetically engineered products, for biotechnology, information technology, medical technology, or environmental technology, or for the research and development of engineering or for computer technology related to any of the purposes for which the Commission may construct structures and improvements within the District. All such structures and improvements shall be erected and constructed in accordance with the Illinois Purchasing Act, to the same extent as if the Commission were a Code Department. The Commission shall administer and exercise ultimate authority with respect to the development and operation of a technology park, and any extensions or expansion thereof. In addition, the Commission may create a development area within the area of the District. Within any district development area the Commission may cause to be acquired or constructed commercial and other types of development, public and private, if the Commission determines that the commercial developments are ancillary to and necessary for the support of facilities within the District and any other purposes of the District, after a public hearing held by a commissioner or the person authorized by the Commission to conduct the hearing. The Commissioner or other authorized persons shall have the power to administer oaths and affirmations, take the testimony of witnesses, receive pertinent evidence, and certify the record of the hearing to the Commission. The record of the hearing shall become part of the Commission's records. Notice of the time, place, and purpose of the hearing shall be given by a single publication notice in a secular newspaper of general circulation in St. Clair County at least 10 days before the date of the hearing. Additionally, the

Commission may sell, lease, develop, operate, and manage for any person, firm, partnership, or corporation, either public or private, all or any part of the land, buildings, facilities, equipment, or other property included in the District development area and any medical research and high technology park or the designated commercial development area upon the terms and conditions the Commission may deem advisable, and may enter into any contract or agreement with any person, firm, partnership, or corporation, either public or private, or any combination of the foregoing, as may be necessary or suitable for the creation, marketing, development, construction, reconstruction, rehabilitation, financing, operation and maintenance, and management of the District development area and any technology park or designated commercial development area; and may sell or lease to any person, firm, partnership, or corporation, either public or private, any part or all of the land, building, facilities, equipment, or other property of the park or the designated commercial development area upon the rentals, terms, and conditions as the Commission may deem advisable; and may finance all or part of the cost of the Commission's development and operation of the District development area as well as any park or the designated commercial development area, including the creation, marketing, development, purchase, lease, construction, reconstruction, rehabilitation, improvement, remodeling, addition to, extension, and maintenance of all or part of the high technology park or the designated commercial development area, and all equipment and furnishings, by legislative appropriations, government grants, contracts, private gifts, loans, bonds, receipts from the sale or lease of land for the operation of the District and any high technology park or the designated commercial development area, rentals, and similar receipts or other sources of revenue legally available for these purposes. The Commission also may defray the expenses of the operation of the District development area and technology park, improvements to the District development area and technology park, provision of shared services, common facilities and common area expenses, benefiting owners and occupants of property within the District development area and the technology park by general assessment, special assessment, or the imposition of service or user fees. As to the entities eligible to be members of the advisory District Member Council, such assessments or impositions may be undertaken only with District Member Council consent as provided in Section 75.

Section 30. Relocation assistance; mandatory acquisition of gift or voluntary purchase. The Commission may provide relocation assistance to persons and entities displaced by the Commission's acquisition of property and improvement of the District. The Commission is also authorized to acquire private real property by gift or voluntary purchase without the District if the Commission finds that the acquisition by gift or voluntary purchase is reasonably necessary to further and carry out the purposes of this Act.

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.

Section 40. Powers of the Department of Central Management Services concerning the District. The Department of Central Management Services shall exercise the same powers in regard to the Commission as it exercises for Code Departments under Section 405-15 of the Department of Central Management Services Law (20 ILCS 405/).

Section 45. Transfer of real property. The Commission may sell, convey, transfer, or lease any title or interest in real estate owned by it to any person or persons to be used, subject to the restrictions of this Act, for the purposes stated in Section 25, or for the purpose of serving persons using the facilities offered within the District or for carrying out of any aspect of the Commission's purpose as set forth in Section 10 of this Act, subject to any restrictions as to the use thereof that the Commission determines will carry out the purpose of this Act. To assure that the use of the real property so sold or leased is in accordance with the provisions of this Act, the Commission shall inquire into and satisfy itself concerning the financial ability of the purchaser to complete the project for which the real estate is sold or leased in accordance with a plan to be presented by the purchaser or lessee, which must be submitted, in writing, to the Commission. The purchaser or lessee shall under the plan undertake: (i) to use the land for the purposes designated in the plan so presented; (ii) to commence and complete the construction of the buildings or other structures to be included in the project within such periods of time as the Commission fixes as reasonable; and (iii) to comply with such other conditions as the Commission shall determine are necessary to carry out the project. Any real property sold by the Commission pursuant to the provisions of this Act shall be sold at its use value, which may be more or less than its acquisition cost and which represents the value at which the Commission determines, after a hearing by the Commission or by such person as the Commission designates to hold the hearing, the real property should be made available for sale or rental in order that it

may be developed for the accomplishment of the purposes of this Act. In determining the use value of the real property, the Commission shall take into consideration whether or not said property is to be used by a wholly or partially tax supported body created under the laws of the State of Illinois, by any department of the State government or any political subdivision of the State, by a charitable institution, or by a private person or institution operating for profit; and the Commission shall also consider the contribution that the project will make toward the development of the District and the furtherance of the purposes of this Act in determining the use price, provided, however, that the Commission may convey the fee simple title to land acquired by it, without the payment of any consideration, to the State of Illinois, any political subdivision thereof, or to any body politic and corporate or public corporation created under the laws of the State of Illinois for the carrying out of any function of the State. At any hearing for the purpose of the Commission's making these determinations, an investigation must be made and any witnesses and documentary evidence examined that will have bearing on the use value of the property to be sold or leased. The Commission shall designate a Commissioner or other person of legal age to conduct the hearing, and the Commissioner or other person so designated by the Commission shall give reasonable notice to the interested parties of the time, place, and purpose for the holding of the hearing. The Commissioner or other person designated by the Commission to hold the hearing shall have the power to administer oaths and affirmations and shall cause to be taken the testimony of witnesses and the production of papers, books, records, accounts and documents; and the person so designated to hold the hearing shall certify to the Commission the record of the proceedings held before him or her in connection with the hearing. The record of proceedings shall become a part of the records of the Commission. All conveyances and leases authorized in this Section shall be on condition that, in the event of use for other than the purposes prescribed in this Act, or of nonuse for a period of one year, title to the property shall revert to the Commission. All conveyances and leases made by the Commission to any corporation or person for use of serving the residents or any person using the facilities offered within the District shall be on condition that in the event of violation of any of the restrictions as to the use thereof as the Commission shall have determined will carry out the purposes of this Act, that title to such property shall revert to the Commission. However, if the Commission finds that financing necessary for the acquisition or lease of any real estate or for the construction of any building or improvement to be used for purposes prescribed in this Act cannot be obtained if title to the land or building or improvement is subject to this reverter provision, which finding shall be made by the Commission after public hearing held pursuant to a single publication notice given in a secular newspaper of general circulation in Saint Clair County at least 10 days prior to the date of the hearing, such notice to specify the time, place and purpose for such hearing, and upon such finding being made, the Commission may cause the real property to be conveyed free of the reverter provision, provided that at least 6 members of the Commission vote in favor thereof. The Commission may also provide in the conveyances, leases, or other documentation provisions for notice of such violations or default and the cure thereof for the benefit of any lender or mortgagee as the Commission shall determine are appropriate. If, at a regularly scheduled meeting, the Commission resolves that a parcel of real estate leased by it, or in which it has sold the fee simple title or any lesser estate, is not being used for the purposes prescribed in this Act or has been in nonuse for a period of one year, the Commission may file a lawsuit in the circuit court of the county in which the property is located to enforce the terms of the sale or lease. In the event a reverter of title to any property is ordered by the court pursuant to the terms of this Act, the interest of the Commission shall be subject to any then existing valid mortgage or trust deed in the nature of a mortgage, but in case the title is acquired through foreclosure of the mortgage or trust deed or by deed in lieu of foreclosure of the mortgage or trust deed, then the title to the property shall not revert, but shall be subject to the restrictions as to use, but not any penalty for nonuse, contained in this Act with respect to any mortgagee in possession or its successor or assigns.

No conveyance of real property shall be executed by the Commission without the prior written approval of the Governor. Commission property leased or occupied by others for purposes permitted under this Act or Commission property held for redevelopment shall not constitute "property" for the purposes of the State Property Control Act.

Section 50. Notice of hearing for property transfer. Prior to the holding of any public hearing prescribed in Section 45 of this Act, or any meeting regarding the passage of any resolution to file a lawsuit, the Commission shall give notice to the grantee or lessee, or his or her legal representatives, successors or assigns, of the time and place of the proceeding. The notice shall be accompanied by a statement signed by the Secretary of the Commission, or by any person authorized by the Commission to sign the same, setting forth any act or things done or omitted to be done in violation, or claimed to be in violation, of any restriction as to the use of the property, whether the restriction be prescribed in any of the terms of this Act

or by any restriction as to the use of the property determined by the Commission pursuant to the terms of this Act. This notice of the time and place fixed for the proceeding shall also be given to any person or persons as the Commission shall deem necessary. The notice may be given by registered mail, addressed to the grantee, lessee, or to his or her legal representatives, successors or assigns, at the last known address of the grantee, lessee, or his or her legal representatives, successors, or assigns.

Section 55. Rules and regulations. The Commission may adopt reasonable and proper rules and regulations relative to the exercise of its powers, and proper rules to govern its proceedings, and to regulate the mode and manner of all hearings held by it or at its direction, and to alter and amend same.

Section 60. Copies of documents as evidence. Copies of all official documents, findings, and orders of the Commission, certified by a Commissioner or by the Secretary of the Commission to be true copies of the originals thereof, under the official seal of the commission, shall be evidence in like manner as the originals.

Section 65. Judicial review. Any party may obtain a judicial review of final orders or decision of the Commission in the circuit court of the county in which the property involved in such proceeding is situated, or if such property is situated in more than one county, then of any one of such counties, only under and in accordance with the provisions of the Administrative Review Law, and all existing and future amendments and modifications thereof, and the rules now or hereafter adopted pursuant thereto. The circuit court shall take judicial notice of all the rules of practice and procedure of the Commission.

Section 70. Public park. The Commission may set apart any part of the District as a park and may construct, control, and maintain the same or may provide by contract with the City of East Saint Louis, Saint Clair County, the State of Illinois, or the United States, for the construction, control and maintenance of any area within the District set apart as a park.

Section 75. Master plan; improvement and management of District; building regulations; zoning. The Commission shall prepare a comprehensive master plan for the orderly development of all property within the District. The Commission shall so improve and manage the District as to provide conditions most favorable for the special care and treatment of the sick and injured and for the study of disease and for any other purpose in Section 25 of this Act. The Commission shall, by ordinance, classify, regulate and restrict the location and construction of all buildings within the District, shall regulate the height and size of the buildings, determine the area of open space within and around the buildings, fix standards of construction, control and regulate additions to or alterations of existing buildings and prohibit the use of buildings and structures incompatible with the character of the District, to the end that adequate light, air, quietness, and safety from fire and from the communication of diseases and other dangers may be secured. Provided, that the power herein conferred shall not be so exercised as to deprive any owner of any existing property of its use or maintenance for the purpose to which it is now lawfully devoted nor to limit the expansion, design, location, maintenance, use, or occupancy of real property to be used by any governmental body, agency, or instrumentality in any manner set forth in this Section, provided that the property is devoted to any use or purpose permitted under this Act. Further provided, the power herein conferred shall not be exercised to restrict the use for any State or county purpose of any buildings existing within the District at the time of enactment and either owned, operated, or managed on behalf of the county or by the Department of Central Management Services or for which the Department of Central Management Services shall be otherwise responsible as provided by law.

The Commission shall request the City Council of the City of East Saint Louis to recommend appropriate zoning regulations for the District that co-ordinate with the zoning of the surrounding sections of the City of East Saint Louis. If, at the end of 60 days following this request, an ordinance has not been submitted to the Commission, the Commission may prepare a zoning ordinance either with or without the advice of the City Council. When the zoning ordinance is ready for adoption, the Commission shall cause notice of a public hearing to be posted in at least 4 conspicuous places within the District, at least 10 days before the date of the hearing. It shall also publish notice of the hearing in some newspaper of general circulation in Saint Clair County for 3 consecutive days. The hearing shall be held not earlier than 10 days after the date of the last publication. Both types of notice shall contain the time and place of the hearing and the place where copies of the proposed ordinance may be examined. The hearing shall be held at the time and place specified and shall be adjourned from time to time until all interested parties have had an opportunity to be heard. The Commission shall invite the City Council and City Manager to attend the hearing and shall ask for suggestions of the City Council and Manager as to the modification of the proposed ordinance. After the adoption of the zoning ordinance or any other proper ordinance of the Commission, it may institute any appropriate action to prevent or abate any unlawful act within the District. Any government body, agency, or instrumentality owning or occupying property within the District may

consent to be bound in whole or in part by the provisions of the master plan or development ordinance adopted by the Commission. The Commission must establish an advisory council of 2 representatives of each of the major District members owning or occupying facilities within the District, with major members to be determined by regulations of the Commission. Council members shall be appointed by and serve at the pleasure of their respective governing boards. The council may assist the Commission in the fulfillment of its statutory purposes and responsibilities and the maintenance of the District. At the Commission's request, the council may review and make recommendations to the Commission with respect to the comprehensive master plan to be adopted by the Commission or any plan of development or occupancy of its facilities within the District presented to the Commission by any governmental body, agency, or instrumentality. The Commission may upon a unanimous request of the council provide for shared services and facilities within the District for members of the council. The Commission may provide, contract, and construct facilities and charge and collect fees necessary to supply these shared services and facilities so approved. The Commission may utilize any powers specified within this Act regardless of geographic boundary for or in support of a specific project, activity, or development if that request is made by a unanimous recommendation of all of the members of the member council.

Section 80. Jurisdiction and power of City of East St. Louis; tax exemption for Commission property; condemnation of Commission property. This Act shall not be construed to limit the jurisdiction of the City of East Saint Louis to territory outside the limits of the District nor to impair any power now possessed by or hereafter granted to the City of East Saint Louis or to cities generally except that those are expressly granted to the Commission by Section 75 of this Act.

The property of the Commission shall be exempt from taxation, and shall be subject to condemnation by the State and any municipal corporation or agency of the State for any State or municipal purpose under the provisions for the exercise of the right of eminent domain under Article VII of the Code of Civil Procedure, as amended.

Section 85. Disposition of moneys; income fund. All money received by the Commission from the sale or lease of any property, in excess of any amount expended by the Commission for authorized purposes under this Act or as may be necessary to satisfy the obligation of any revenue bond issued pursuant to Section 35, shall be paid into the State Treasury for deposit into the Mid-America Medical District Income Fund provided, however, that the Commission is authorized to use all money received as rentals for the purposes of planning, acquisition, and development of property within the District and operation, maintenance and improvement of property of the Commission and for all purposes and powers set forth in this Act. Upon enactment, not later than July 10 of each year, the Commission shall transmit to the State Treasurer for deposit into the Fund all moneys on hand at June 30 in excess of \$500,000 without deduction or offset of any kind, except that the Commission may retain such additional funds as are necessary to pay enforceable contractual obligations existing as of June 30 and that will be paid not later than September 30 of that year. All moneys retained for the payment of these obligations and not paid out by September 30, shall be remitted in full to the State Treasury, without deduction or offset of any kind, not later than October 10 of the same year. All money held pursuant to this Section shall be maintained in a depository approved by the State Treasurer. The Auditor General shall, at least biennially, audit or cause to be audited all records and accounts of the Commission pertaining to the operation of the District.

Section 90. Severability. If any provision of this Act is held invalid, that provision shall be deemed to be excised from this Act and the invalidity of that provision shall not affect any of the other provisions of this Act. If the application of any provision of this Act to any person or circumstance is held invalid, it shall not affect the application of such provision to persons or circumstances other than those as to which it is held invalid.

Section 905. The State Finance Act is amended by adding Section 5.625 as follows:
(30 ILCS 105/5.625 new)

Sec. 5.625. The Mid-America Medical District Income Fund."

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

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

SENATE BILL 2339. Having been read by title a second time on April 29, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Holbrook offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 2339, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 364.01 as follows:

(215 ILCS 5/364.01 new)

Sec. 364.01. Qualified cancer trials.

(a) No individual or group policy of accident and health insurance issued or renewed in this State may be cancelled or non-renewed for any individual based on that individual's participation in a qualified clinical trial.

(b) Qualified cancer trials must meet the following criteria:

(1) the effectiveness of the treatment has not been determined relative to established therapies;

(2) the trial is under clinical investigation as part of an approved cancer research trial in Phase II, Phase III, or Phase IV of investigation;

(3) the trial is:

(A) approved by the Food and Drug Administration; or

(B) approved and funded by the National Institutes of Health, the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, the United States Department of Defense, the United States Department of Veterans Affairs, or the United States Department of Energy in the form of an investigational new drug application, or a cooperative group or center of any entity described in this subdivision (B); and

(4) the patient's primary care physician, if any, is involved in the coordination of care.

Section 10. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x, 356y, 356z.2, 356z.4, 356z.5, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;

(2) a corporation organized under the laws of this State; or

(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section. (Source: P.A. 92-764, eff. 1-1-03; 93-102, eff. 1-1-04; 93-261, eff. 1-1-04; 93-477, eff. 8-8-03; 93-529, eff. 8-14-03; revised 9-25-03.)

Section 15. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows: (215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 155.37, 354, 355.2, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5, 364.01, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

(Source: P.A. 92-130, eff. 7-20-01; 92-440, eff. 8-17-01; 92-651, eff. 7-11-02; 92-764, eff. 1-1-03; 93-102, eff. 1-1-04; 93-529, eff. 8-14-03; revised 9-25-03.)

Section 20. The Illinois Public Aid Code is amended by changing Section 5-16.8 as follows: (305 ILCS 5/5-16.8)

Sec. 5-16.8. Required health benefits. The medical assistance program shall (i) provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356u, 356w, and 356x of the Illinois Insurance Code and (ii) be subject to the provisions of Section 364.01 of the Illinois Insurance Code.

(Source: P.A. 90-7, eff. 6-10-97; 90-741, eff. 1-1-99.)".

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

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

SENATE BILL 2617. Having been recalled on May 11, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Saviano offered the following amendment and moved its adoption.

AMENDMENT NO. 1 . Amend Senate Bill 2617 by replacing the title with the following:
"AN ACT concerning insurance."; and
by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 364.2 as follows:
(215 ILCS 5/364.2 new)

Sec. 364.2. Purchase of ophthalmic goods. An insurer may not require a provider, as a condition of participation by the provider, to purchase ophthalmic goods, including but not limited to eyeglass frames, in a quantity or dollar amount in excess of the quantity or dollar amount an enrollee is required to purchase under the terms of the policy.

Section 10. The Health Maintenance Organization Act is amended by adding Section 4-19 as follows:
(215 ILCS 125/4-19 new)

Sec. 4-19. Purchase of ophthalmic goods. A health maintenance organization may not require a provider, as a condition of participation in the health maintenance organization's health care plan, to purchase ophthalmic goods, including but not limited to eyeglass frames, in a quantity or dollar amount in excess of the quantity or dollar amount an enrollee is required to purchase under the terms of the health care plan.

Section 15. The Limited Health Service Organization Act is amended by adding Section 3010 as follows:
(215 ILCS 130/3010 new)

Sec. 3010. Purchase of ophthalmic goods. An organization may not require a provider, as a condition of participation in the organization's limited health care plan, to purchase ophthalmic goods, including but not limited to eyeglass frames, in a quantity or dollar amount in excess of the quantity or dollar amount an enrollee is required to purchase under the terms of the limited health care plan.

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 adopted and the bill, as amended, was again advanced to the order of Third Reading.

SENATE BILL 2635. Having been recalled on May 11, 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. 3 . Amend Senate Bill 2635 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 27-25, 27-40, 27-45, and 27-75 as follows:

(35 ILCS 200/27-25)

Sec. 27-25. Form of hearing notice. Taxes may be levied or imposed by the municipality or county in the special service area at a rate or amount of tax sufficient to produce revenues required to provide the special services. Prior to the first levy of taxes in the special service area, notice shall be given and a hearing shall be held under the provisions of Sections 27-30 and 27-35. For purposes of this Section the notice shall include:

(a) The time and place of hearing;

(b) The boundaries of the area by legal description and, where possible, by street location ~~where~~

possible;

(c) The permanent tax index number of each parcel located within the area;

(d) The nature of the proposed special services to be provided within the special service area and a statement as to whether the proposed special services are for new construction, maintenance, or other purposes;

(e) A notification that all interested persons, including all persons owning taxable real property located within the special service area, will be given an opportunity to be heard at the hearing regarding the tax levy and an opportunity to file objections to the amount of the tax levy if the tax is a tax upon property; and

(f) The maximum rate of taxes to be extended within the special service area in any year and the ~~may include~~ a maximum number of years taxes will be levied if a maximum number of years is to be established.

After the first levy of taxes within the special service area, taxes may continue to be levied in subsequent years without the requirement of an additional public hearing if the tax rate does ~~, taxes may be extended against the special service area for the services specified without additional hearings.~~ However, the taxes shall not exceed the rate specified in the notice for the original public hearing notice and if a maximum number of years is specified in the notice, the taxes are shall not be extended for a longer period than the number of years specified in the notice if a number of years is specified. Tax rates may be increased and the period specified may be extended, if notice is given and new public hearings are held in accordance with Sections 27-30 and 27-35.

(Source: P.A. 82-640; 88-455.)

(35 ILCS 200/27-40)

Sec. 27-40. Boundaries of special service area. No lien shall be established against any real property in a special service area nor shall a special service area create a valid tax before a certified copy of an ordinance establishing or altering the boundaries of a special service area, containing a legal description of the territory of the area, the permanent tax index numbers of the parcels located within the territory of the area, an accurate map of the territory, a copy of the notice of the public hearing, and a description of the special services to be provided is filed for record in the office of the recorder in each county in which any part of the area is located. The ordinance must be recorded no later than 60 days after the date the ordinance was adopted. An ordinance establishing a special service area recorded beyond the 60 days is not valid. The requirement for recording within 60 days shall not apply to any establishment or alteration of the boundaries of a service area that occurred before September 23, 1991.

(Source: P.A. 90-218, eff. 7-25-97.)

(35 ILCS 200/27-45)

Sec. 27-45. Issuance of bonds. Bonds secured by the full faith and credit of the area included in the special service area may be issued for providing the special services. Bonds, when so issued, shall be retired by the levy of taxes in addition to the taxes specified in Section 27-25 against all of the taxable real property included in the area as provided in the ordinance authorizing the issuance of the bonds or by the imposition of another tax within the special service area. The county clerk shall annually extend taxes against all of the taxable property situated in the county and contained in such special service area in amounts sufficient to pay maturing principal and interest of those bonds without limitation as to rate or amount and in addition to and in excess of any taxes that may now or hereafter be authorized to be levied by the municipality or county. Prior to the issuance of those bonds, notice shall be given and a hearing shall be held pursuant to the provisions of Sections 27-30 and 27-35. For purposes of this Section a notice shall include:

(a) The time and place of hearing;

(b) The boundaries of the area by legal description and, where possible, by street location ~~, where possible;~~

(c) The permanent tax index number of each parcel located within the area;

(d) The nature of the special services to be provided within the proposed special service area and a statement as to whether the proposed special services are for new construction, maintenance, or other purposes;

(e) If the special services are to be maintained other than by the municipality or the county after the life of the bonds, then a statement indicating who will be responsible for maintenance of the special services after the life of the bonds;

(f) A notification that all interested persons, including all persons owning taxable property located within the special service area, will be given an opportunity to be heard at the hearing

regarding the issuance of the bonds and an opportunity to file objections to the issuance of the bonds; and

(g) ~~(f)~~ The maximum amount of bonds proposed to be issued, the maximum period of time over which the bonds will be retired, and the maximum interest rate the bonds will bear.

The question of the creation of a special service area, the levy or imposition of a tax in the special service area and the issuance of bonds for providing special services may all be considered together at one hearing.

Any bonds issued shall not exceed the number of bonds, the interest rate and the period of extension set forth in the notice, unless an additional hearing is held. Bonds issued pursuant to this Article shall not be regarded as indebtedness of the municipality or county, as the case may be, for the purpose of any limitation imposed by any law.

(Source: P.A. 82-640; 88-455.)

(35 ILCS 200/27-75)

Sec. 27-75. Extension of tax levy. If a property tax is levied, the tax shall be extended by the county clerk in the special service area in the manner provided by Articles 1 through 26 of this Code based on equalized assessed values as established under Articles 1 through 26. The municipality or county shall file a certified copy of the ordinance creating the special service area, including an accurate map thereof, a copy of the public hearing notice, and a description of the special services to be provided, with the county clerk. The corporate authorities of the municipality or county may levy taxes in the special service area prior to the date the levy must be filed with the county clerk, for the same year in which the ordinance and map are filed with the county clerk. In addition, the corporate authorities shall file a certified copy of each ordinance levying taxes in the special service area on or before the last Tuesday of December of each year and shall file a certified copy of any ordinance authorizing the issuance of bonds and providing for a property tax levy in the area by December 31 of the year of the first levy.

In lieu of or in addition to an ad valorem property tax, a special tax may be levied and extended within the special service area on any other basis that provides a rational relationship between the amount of the tax levied against each lot, block, tract and parcel of land in the special service area and the special service benefit rendered. In that case, a special tax roll shall be prepared containing: (a) a description of the special services to be provided, (b) an explanation of the method of spreading the special tax, (c) ~~(b)~~ a list of lots, blocks, tracts and parcels of land in the special service area, and (d) ~~(c)~~ the amount assessed against each. The special tax roll shall be included in the ordinance establishing the special service area or in an amendment of the ordinance, and shall be filed with the county clerk for use in extending the tax. The lien and foreclosure remedies provided in Article 9 of the Illinois Municipal Code shall apply upon non-payment of the special tax.

As an alternative to an ad valorem tax based on the whole equalized assessed value of the property, the corporate authorities may provide for the ad valorem tax to be extended solely upon the equalized assessed value of the land in a special service area, without regard to improvements, if the equalized assessed value of the land in the special service area is at least 75% of the total of the whole equalized assessed value of property within the special service area at the time that it was established. If the corporate authorities choose to provide for this method of taxation on the land value only, then each notice given in connection with the special service area must include a statement in substantially the following form: "The taxes to be extended shall be upon the equalized assessed value of the land in the proposed special service area, without regard to improvements."

(Source: P.A. 83-1245; 88-455.)

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. 3 was adopted and the bill, as amended, was again advanced to the order of Third Reading.

SENATE BILL 35. Having been read by title a second time on May 28, 2003, 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 Senate Bill 35 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Watercraft Use Tax Law.

Section 5. Definitions. For the purposes of this Law:

"Department" means the Department of Revenue.

"Purchase price" means the consideration paid for a watercraft valued in money whether received in money or otherwise, including, but not limited to, cash, credits, property, and services, and includes the value of any motor sold with, or in conjunction with, the watercraft.

"Watercraft" means:

- (1) Class 1, Class 2, Class 3, and Class 4 watercraft, as defined in Section 3-2 of the Boat Registration and Safety Act;
- (2) personal watercraft, as defined in Section 1-2 of the Boat Registration and Safety Act; and
- (3) any boat equipped with an inboard motor.

Section 10. Tax imposed. A tax is hereby imposed on the privilege of using, in this State, any watercraft acquired by gift, transfer, or purchase after June 30, 2004. This tax does not apply if: (i) the use of the watercraft is otherwise taxed under the Use Tax Act; (ii) the watercraft is bought and used by a governmental agency or a society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes and that entity has been issued an exemption identification number under Section 1g of the Retailers' Occupation Tax Act; (iii) the use of the watercraft is not subject to the Use Tax Act by reason of subsection (a), (b), (c), (d), or (e) of Section 3-55 of that Act dealing with the prevention of actual or likely multi-state taxation; or (iv) the transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is a surviving spouse.

Section 15. Rate of tax.

(a) The rate of tax is 6.25% of the purchase price for each purchase of watercraft that is subject to tax under this Law. For purposes of calculating the tax due under this Law when tax is imposed on the purchase price of a watercraft acquired through purchase, the purchase price shall not be less than the fair market value of the watercraft on the date the watercraft is purchased or the date the watercraft is brought into this State, whichever is later. For the purposes of calculating the tax due under this Law, any watercraft purchased with, or in conjunction with, a motor shall have the price of the motor included in purchase price of the watercraft.

(b) The rate of tax is 6.25% of the fair market value of watercraft acquired by gift or transfer that is subject to tax under this Law. For purposes of calculating the tax due under this Law when a watercraft is acquired by gift or transfer, the tax shall be imposed on the fair market value of the watercraft on the date the watercraft is acquired or the date the watercraft is brought into this State, whichever is later. For the purposes of calculating the tax due under this Law, any watercraft acquired by gift or transfer with, or in conjunction with, a motor shall have the value of the motor included in the fair market value of the watercraft.

(c) When an ownership share of a watercraft is acquired by purchase, the tax is imposed on the purchase price of that share. For purposes of calculating the tax due under this Law, however, the purchase price of the share shall not be less than the fair market value of that share on the date the watercraft is acquired or the date the watercraft is brought into this State, whichever is later. When an ownership share of a watercraft is acquired by gift or transfer, the tax is imposed on the fair market value of the share on the date the share of the watercraft is acquired or the date the watercraft is brought into this State, whichever is later. All owners are jointly and severally liable for any tax due as a result of the purchase, gift, or transfer of an ownership share of the watercraft.

Section 20. Returns.

(a) The purchaser, transferee, or donee shall file with the Department a return signed by the purchaser, transferee, or donee on a form prescribed by the Department. The return shall contain a verification in substantially the following form and such other information as the Department may reasonably require:

VERIFICATION

I declare that I have examined this return and, to the best of my knowledge, it is true, correct, and complete. I understand that the penalty for willfully filing a false return is a fine not to exceed \$1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both a fine and imprisonment.

(b) The return and payment from the purchaser, transferee, or donee shall be submitted to the Department within 30 days after the date of purchase, donation, or other transfer or the date the watercraft is brought into this State, whichever is later. Payment of tax is a condition to securing certificate of title for the watercraft from the Department of Natural Resources. When a purchaser,

transferee, or donee pays the tax imposed by Section 10 of this Law, the Department (upon request therefor from the purchaser, transferee, or donee) shall issue an appropriate receipt to the purchaser, transferee, or donee showing that he or she has paid the tax to the Department. The receipt shall be sufficient to relieve the purchaser, transferee, or donee from further liability for the tax to which the receipt may refer.

Section 25. Filing false or incomplete return. Any person required to file a return under this Law who willfully files a false or incomplete return is guilty of a Class A misdemeanor.

Section 30. Determining purchase price. For the purpose of assisting in determining the validity of the purchase price reported on returns filed with the Department, the Department may furnish the following information to persons with whom the Department has contracted for service related to making that determination: (i) the purchase price stated on the return; (ii) the watercraft identification number; (iii) the year, the make, and the model name or number of the watercraft; (iv) the purchase date; and (v) the hours of operation.

Section 35. Powers of Department. The Department has full power to: (i) administer and enforce this Law; (ii) collect all taxes, penalties, and interest due under this Law; (iii) dispose of taxes, penalties, and interest so collected in the manner set forth in this Law; and (iv) determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty, or interest under this Law. In the administration of, and compliance with, this Law, the Department and persons who are subject to this Law have the same rights, remedies, privileges, immunities, powers, and duties, and are subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and employ the same modes of procedure, as are prescribed in the Use Tax Act (except for the provisions of Section 3-70), that are not inconsistent with this Law, as fully as if the provisions of the Use Tax Act were set forth in this Law. In addition to any other penalties imposed under law, any person convicted of violating the provisions of this Law shall be assessed a fine of \$1,000.

Section 40. Payments to State and Local Sales Tax Reform Fund and General Revenue Fund. The Department shall each month, upon collecting any taxes as provided in this Law, pay 20% of the money collected into the State and Local Sales Tax Reform Fund, a special fund in the State treasury, and 80% into the General Revenue Fund.

Section 45. Rules. The Department has the authority to adopt such rules as are reasonable and necessary to implement the provisions of this Law.

Section 90. The Retailers' Occupation Tax Act is amended by changing Section 1c as follows:

(35 ILCS 120/1c) (from Ch. 120, par. 440c)

Sec. 1c. A person who is engaged in the business of leasing or renting motor vehicles or, beginning July 1, 2003, aircraft or, beginning July 1, 2004, watercraft to others and who, in connection with such business sells any used motor vehicle, ~~or aircraft~~ or watercraft to a purchaser for his use and not for the purpose of resale, is a retailer engaged in the business of selling tangible personal property at retail under this Act to the extent of the value of the vehicle or aircraft sold. For the purpose of this Section "motor vehicle" has the meaning prescribed in Section 1-157 of the Illinois Vehicle Code, as now or hereafter amended. For the purpose of this Section "aircraft" has the meaning prescribed in Section 3 of the Illinois Aeronautics Act. For the purpose of this Section, "watercraft" has the meaning prescribed in Section 5 of the Watercraft Use Tax Law. (Nothing provided herein shall affect liability incurred under this Act because of the sale at retail of such motor vehicles, ~~or aircraft~~ or watercraft to a lessor.)

(Source: P.A. 93-24, eff. 6-20-03.)

Section 95. The Boat Registration and Safety Act is amended by changing Section 3A-5 as follows:

(625 ILCS 45/3A-5) (from Ch. 95 1/2, par. 313A-5)

Sec. 3A-5. Certificate of title - Issuance - Records.

(a) The Department of Natural Resources shall file each application received and, when satisfied as to its genuineness and regularity, and that no tax imposed by the "Use Tax Act" or the Watercraft Use Tax Law is owed as evidenced by the receipt for payment or determination of exemption from the Department of Revenue provided for in Section 3A-3 of this Article, and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title.

(b) The Department of Natural Resources shall maintain a record of all certificates of title issued under a distinctive title number assigned to the watercraft and, in the discretion of the Department, in any other method determined.

(Source: P.A. 89-445, eff. 2-7-96.)

Section 999. Effective date. This Act takes effect July 1, 2004."

Representative Currie offered the following amendment and moved its adoption:

AMENDMENT NO. 2 . Amend Senate Bill 35, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Watercraft Use Tax Law.

Section 5. Definitions. For the purposes of this Law:

"Department" means the Department of Revenue.

"Purchase price" means the reasonable consideration paid for a watercraft valued in money whether received in money or otherwise, including, but not limited to, cash, credits, property, and services, and including the value of any motor sold with, or in conjunction with, the watercraft. Except in the case of transfers between immediate family members, reasonable consideration ordinarily means the fair market value on the date the watercraft or the share of the watercraft was acquired or the date the watercraft was brought into this State, whichever is later, unless the taxpayer can demonstrate that a different value is reasonable. In the case of transfers between immediate family members, reasonable consideration ordinarily means the consideration actually paid, unless it appears from the facts and circumstances that the primary motivation of the transfer was the avoidance of tax.

"Watercraft" means:

(1) Class 1, Class 2, Class 3, and Class 4 watercraft, as defined in Section 3-2 of the Boat Registration and Safety Act;

(2) personal watercraft, as defined in Section 1-2 of the Boat Registration and Safety Act; and

(3) any boat equipped with an inboard motor.

Section 10. Tax imposed. A tax is hereby imposed on the privilege of using, in this State, any watercraft acquired by gift, transfer, or purchase after June 30, 2004. This tax does not apply if: (i) the use of the watercraft is otherwise taxed under the Use Tax Act; (ii) the watercraft is bought and used by a governmental agency or a society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes and that entity has been issued an exemption identification number under Section 1g of the Retailers' Occupation Tax Act; (iii) the use of the watercraft is not subject to the Use Tax Act by reason of subsection (a), (b), (c), (d), or (e) of Section 3-55 of that Act dealing with the prevention of actual or likely multi-state taxation; or (iv) the transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is a surviving spouse.

Section 15. Rate of tax. The rate of tax is 6.25% of the purchase price for each watercraft that is subject to tax under this Law. When an ownership share of a watercraft is acquired, the tax is imposed on the purchase price of that share. All owners are jointly and severally liable for any tax due as a result of the purchase, gift, or transfer of an ownership share of the watercraft.

Section 20. Returns.

(a) The purchaser, transferee, or donee shall file with the Department a return signed by the purchaser, transferee, or donee on a form prescribed by the Department. The return shall contain a verification in substantially the following form and such other information as the Department may reasonably require:

VERIFICATION

I declare that I have examined this return and, to the best of my knowledge, it is true, correct, and complete. I understand that the penalty for willfully filing a false return is a fine not to exceed \$1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both a fine and imprisonment.

(b) The return and payment from the purchaser, transferee, or donee shall be submitted to the Department within 30 days after the date of purchase, donation, or other transfer or the date the watercraft is brought into this State, whichever is later. Payment of tax is a condition to securing certificate of title for the watercraft from the Department of Natural Resources. When a purchaser, transferee, or donee pays the tax imposed by Section 10 of this Law, the Department (upon request therefor from the purchaser, transferee, or donee) shall issue an appropriate receipt to the purchaser, transferee, or donee showing that he or she has paid the tax to the Department. The receipt shall be sufficient to relieve the purchaser, transferee, or donee from further liability for the tax to which the receipt may refer.

Section 25. Filing false or incomplete return. Any person required to file a return under this Law who willfully files a false or incomplete return is guilty of a Class A misdemeanor.

Section 30. Determining purchase price. For the purpose of assisting in determining the validity of the purchase price reported on returns filed with the Department, the Department may furnish the following

information to persons with whom the Department has contracted for service related to making that determination: (i) the purchase price stated on the return; (ii) the watercraft identification number; (iii) the year, the make, and the model name or number of the watercraft; (iv) the purchase date; and (v) the hours of operation.

Section 35. Powers of Department. The Department has full power to: (i) administer and enforce this Law; (ii) collect all taxes, penalties, and interest due under this Law; (iii) dispose of taxes, penalties, and interest so collected in the manner set forth in this Law; and (iv) determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty, or interest under this Law. In the administration of, and compliance with, this Law, the Department and persons who are subject to this Law have the same rights, remedies, privileges, immunities, powers, and duties, and are subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and employ the same modes of procedure, as are prescribed in the Use Tax Act (except for the provisions of Section 3-70), that are not inconsistent with this Law, as fully as if the provisions of the Use Tax Act were set forth in this Law. In addition to any other penalties imposed under law, any person convicted of violating the provisions of this Law shall be assessed a fine of \$1,000.

Section 40. Payments to Local Government Distributive Fund and General Revenue Fund. The Department shall each month, upon collecting any taxes as provided in this Law, pay 20% of the money collected into the Local Government Distributive Fund, a special fund in the State treasury, and 80% into the General Revenue Fund.

Section 45. Rules. The Department has the authority to adopt such rules as are reasonable and necessary to implement the provisions of this Law.

Section 90. The Retailers' Occupation Tax Act is amended by changing Section 1c as follows:

(35 ILCS 120/1c) (from Ch. 120, par. 440c)

Sec. 1c. A person who is engaged in the business of leasing or renting motor vehicles or, beginning July 1, 2003, aircraft or, beginning July 1, 2004, watercraft to others and who, in connection with such business sells any used motor vehicle, ~~aircraft~~, or watercraft to a purchaser for his use and not for the purpose of resale, is a retailer engaged in the business of selling tangible personal property at retail under this Act to the extent of the value of the vehicle or aircraft sold. For the purpose of this Section "motor vehicle" has the meaning prescribed in Section 1-157 of the Illinois Vehicle Code, as now or hereafter amended. For the purpose of this Section "aircraft" has the meaning prescribed in Section 3 of the Illinois Aeronautics Act. For the purpose of this Section, "watercraft" has the meaning prescribed in Section 5 of the Watercraft Use Tax Law. (Nothing provided herein shall affect liability incurred under this Act because of the sale at retail of such motor vehicles, ~~aircraft~~, or watercraft to a lessor.)

(Source: P.A. 93-24, eff. 6-20-03.)

Section 95. The Boat Registration and Safety Act is amended by changing Section 3A-5 as follows:

(625 ILCS 45/3A-5) (from Ch. 95 1/2, par. 313A-5)

Sec. 3A-5. Certificate of title - Issuance - Records.

(a) The Department of Natural Resources shall file each application received and, when satisfied as to its genuineness and regularity, and that no tax imposed by the "Use Tax Act" or the Watercraft Use Tax Law is owed as evidenced by the receipt for payment or determination of exemption from the Department of Revenue provided for in Section 3A-3 of this Article, and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title.

(b) The Department of Natural Resources shall maintain a record of all certificates of title issued under a distinctive title number assigned to the watercraft and, in the discretion of the Department, in any other method determined.

(Source: P.A. 89-445, eff. 2-7-96.)

Section 999. Effective date. This Act takes effect July 1, 2004."

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

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

**CONCURRENCES AND NON-CONCURRENCES
IN SENATE AMENDMENTS TO HOUSE BILLS**

Senate Amendment No. 1 to HOUSE BILL 587, having been printed, was taken up for consideration. Representative Lang moved that the House concur with the Senate in the adoption of Senate Amendment No. 1.

And on that motion, a vote was taken resulting as follows:

112, Yeas; 6, Nays; 0, Answering Present.

(ROLL CALL 8)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 1 to HOUSE BILL 587.

Ordered that the Clerk inform the Senate.

Senate Amendment No. 1 to HOUSE BILL 758, having been printed, was taken up for consideration. Representative Myers moved that the House concur with the Senate in the adoption of Senate Amendment No. 1.

And on that motion, a vote was taken resulting as follows:

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

(ROLL CALL 9)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 1 to HOUSE BILL 758.

Ordered that the Clerk inform the Senate.

Senate Amendment No. 2 to HOUSE BILL 1082, having been printed, was taken up for consideration. Representative Flowers moved that the House concur with the Senate in the adoption of Senate Amendment No. 2.

And on that motion, a vote was taken resulting as follows:

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

(ROLL CALL 10)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 2 to HOUSE BILL 1082.

Ordered that the Clerk inform the Senate.

Senate Amendment No. 1 to HOUSE BILL 1086, having been printed, was taken up for consideration. Representative Graham moved that the House concur with the Senate in the adoption of Senate Amendment No. 1.

And on that motion, a vote was taken resulting as follows:

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

(ROLL CALL 11)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 1 to HOUSE BILL 1086.

Ordered that the Clerk inform the Senate.

Senate Amendment No. 2 to HOUSE BILL 4135, having been printed, was taken up for consideration. Representative Parke moved that the House concur with the Senate in the adoption of Senate Amendment No. 2.

And on that motion, a vote was taken resulting as follows:

111, Yeas; 6, Nays; 0, Answering Present.

(ROLL CALL 12)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 2 to HOUSE BILL 4135.

Ordered that the Clerk inform the Senate.

Senate Amendment No. 1 to HOUSE BILL 4027, having been printed, was taken up for consideration.

Representative Delgado moved that the House concur with the Senate in the adoption of Senate Amendment No. 1.

Representative Reitz moves the previous question.

And on that motion, a vote was taken resulting as follows:

107, Yeas; 7, Nays; 4, Answering Present.

(ROLL CALL 12)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 1 to HOUSE BILL 4027.

Ordered that the Clerk inform the Senate.

Senate Amendments numbered 1 and 2 to HOUSE BILL 4318, having been printed, were taken up for consideration.

Representative Lindner moved that the House concur with the Senate in the adoption of Senate Amendments numbered 1 and 2.

And on that motion, a vote was taken resulting as follows:

115, Yeas; 3, Nays; 0, Answering Present.

(ROLL CALL 13)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendments numbered 1 and 2 to HOUSE BILL 4318.

Ordered that the Clerk inform the Senate.

Senate Amendment No. 3 to HOUSE BILL 4371, having been printed, was taken up for consideration.

Representative Chapa LaVia moved that the House concur with the Senate in the adoption of Senate Amendment No. 3.

And on that motion, a vote was taken resulting as follows:

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

(ROLL CALL 14)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 3 to HOUSE BILL 4371.

Ordered that the Clerk inform the Senate.

Senate Amendment No. 1 to HOUSE BILL 4489, having been printed, was taken up for consideration.

Representative Pankau moved that the House concur with the Senate in the adoption of Senate Amendment No. 1.

And on that motion, a vote was taken resulting as follows:

116, Yeas; 0, Nays; 1, Answering Present.

(ROLL CALL 15)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 1 to HOUSE BILL 4489.

Ordered that the Clerk inform the Senate.

Senate Amendment No. 1 to HOUSE BILL 4232, having been printed, was taken up for consideration.

Representative Burke moved that the House concur with the Senate in the adoption of Senate Amendment No. 1.

And on that motion, a vote was taken resulting as follows:

113, Yeas; 3, Nays; 1, Answering Present.

(ROLL CALL 16)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 1 to HOUSE BILL 4232.

Ordered that the Clerk inform the Senate.

Senate Amendment No. 1 to HOUSE BILL 4949, having been printed, was taken up for consideration.

Representative Acevedo moved that the House concur with the Senate in the adoption of Senate Amendment No. 1.

And on that motion, a vote was taken resulting as follows:

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

(ROLL CALL 17)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 1 to HOUSE BILL 4949.

Ordered that the Clerk inform the Senate.

SUSPEND POSTING REQUIREMENTS

Pursuant to the motion submitted previously, Representative Currie moved to suspend the posting requirements in Rule 25 in relation to Senate Bill 728 to be heard in Local Government and for House Joint Resolution 86 to be heard in State Government Administration committee.

The motion prevailed.

At the hour of 3:09 o'clock p.m., Representative Currie moved that the House do now adjourn until Thursday, May 20, 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

May 19, 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
 SENATE BILL 1914
 IL DEVELOPMENT FARM AUTH-TECH
 THIRD READING
 PASSED

May 19, 2004

80 YEAS

38 NAYS

0 PRESENT

Y Acevedo	Y Delgado	N Kurtz	Y Phelps
Y Aguilar	N Dugan	Y Lang	N Pihos
Y Bailey	Y Dunkin	Y Leitch	Y 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	Y Flider	N Mathias	N Rose
Y 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	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	N Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	N Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	N Sullivan
Y Chapa LaVia	N Hassert	Y Mitchell, Jerry	Y Tenhouse
N 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	N Hultgren	N Mulligan	N Washington
N Cross	N Jakobsson	N Munson	Y Watson
N Cultra	N Jefferson	Y Myers	N Winters
Y Currie	Y Jones	N Nekritz	Y Yarbrough
N Daniels	Y 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	N Krause	N Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 2248
 REAL PROPERTY-TECH
 THIRD READING
 PASSED

May 19, 2004

99 YEAS

18 NAYS

1 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
N 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	N 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
N Black	N 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	N Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	N Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y 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	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
N Coulson	N Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	N Watson
Y Cultra	Y Jefferson	N 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	N Pankau	
Y Davis, William	Y Krause	N Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 2731
 UTILITIES-PREPAID CALLING PROV
 THIRD READING
 PASSED

May 19, 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
 SENATE BILL 3200
 CIVIL ADMIN CD-SHRT TITLE-TECH
 THIRD READING
 PASSED

May 19, 2004

95 YEAS

23 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	N Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	N Eddy	Y Lyons, Eileen	Y Reitz
N Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	N Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
N Black	Y Franks	Y May	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
N Brauer	Y Granberg	N Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	N Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	N Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	N Wait
N Coulson	N Hultgren	N Mulligan	Y Washington
Y Cross	Y Jakobsson	N Munson	N Watson
N Cultra	Y Jefferson	N 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	N Krause	N Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 827
 INSURANCE-TECH
 SECOND READING
 FLOOR AMENDMENT NO. 1
 ADOPTED

May 19, 2004

74 YEAS

43 NAYS

1 PRESENT

N Acevedo	N Delgado	N Kurtz	Y Phelps
Y Aguilar	Y Dugan	N Lang	N Pihos
N Bailey	N Dunkin	N Leitch	Y Poe
Y Bassi	Y Dunn	N Lindner	Y Pritchard
N Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	N Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	N Ryg
Y Black	Y Franks	N May	Y Sacia
Y Boland	N Fritchey	Y McAuliffe	N Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	N Giles	P McGuire	Y Scully
Y Bradley, Richard	Y Gordon	N McKeon	N Slone
Y Brady	N Graham	N Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	N Miller	N Soto
N 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	N Turner
N Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	N Howard	N 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
N Currie	N Jones	N Nekritz	N Yarbrough
Y Daniels	Y Joyce	Y Osmond	N Younge
Y Davis, Monique	N Kelly	N Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
N Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 2238
 INSURANCE-TECH
 SECOND READING
 FLOOR AMENDMENT NO.2
 LOST

May 19, 2004

5 YEAS

113 NAYS

0 PRESENT

N Acevedo	N Delgado	N Kurtz	N Phelps
N Aguilar	N Dugan	N Lang	N Pihos
N Bailey	N Dunkin	N Leitch	N Poe
N Bassi	Y Dunn	N Lindner	N Pritchard
N Beaubien	N Eddy	N Lyons, Eileen	N Reitz
N Bellock	N Feigenholtz	N Lyons, Joseph	N Rita
N Berrios	N Flider	N Mathias	N Rose
N Biggins	N Flowers	N Mautino	N Ryg
N Black	N Franks	N May	N Sacia
N Boland	N Fritchey	N McAuliffe	N Saviano
N Bost	N Froehlich	N McCarthy	N Schmitz
N Bradley, John	N Giles	N McGuire	N Scully
N Bradley, Richard	N Gordon	N McKeon	N Slone
N Brady	N Graham	N Mendoza	N Smith
N Brauer	N Granberg	N Meyer	N Sommer
N Brosnahan	N Grunloh	N Miller	N Soto
N Burke	N Hamos	N Millner	N Stephens
N Capparelli	Y Hannig	Y Mitchell, Bill	N Sullivan
N Chapa LaVia	N Hassert	N Mitchell, Jerry	N Tenhouse
N Churchill	N Hoffman	N Moffitt	N Turner
N Collins	N Holbrook	N Molaro	N Verschoore
N Colvin	N Howard	N Morrow	N Wait
N Coulson	N Hultgren	N Mulligan	N Washington
N Cross	N Jakobsson	N Munson	N Watson
N Cultra	N Jefferson	N Myers	N Winters
N Currie	N Jones	N Nekritz	N Yarbrough
N Daniels	N Joyce	N Osmond	N Younge
N Davis, Monique	N Kelly	N Osterman	Y Mr. Speaker
N Davis, Steve	N Kosel	N Pankau	
N Davis, William	N Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 587
 PENSIONS-TECH
 MOTION TO CONCUR IN SENATE AMENDMENT NO.1
 CONCURRED

May 19, 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
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	N Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	N Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
N Black	Y Franks	Y May	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	N 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
N 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	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 758
 STATE BOARD OF EDUCATION-TECH
 MOTION TO CONCUR IN SENATE AMENDMENT NO. 1
 CONCURRED

May 19, 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 1082
 HEALTH CARE-TECH
 MOTION TO CONCUR IN SENATE AMENDMENT NO.2
 CONCURRED

May 19, 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 1086
 HEALTH FACILITY PLANNING-TECH
 MOTION TO CONCUR IN SENATE AMENDMENT NO.1
 CONCURRED

May 19, 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 4135
 CRIM CD-CHILD SEX OFFENDERS
 MOTION TO CONCUR IN SENATE AMENDMENT NO.2
 CONCURRED

May 19, 2004

111 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
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	N Ryg
Y Black	N 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
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	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	N Jakobsson	Y Munson	Y Watson
Y Cultra	N 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 4027
VEH CD-LEAVING ACCIDENT SCENE
MOTION TO CONCUR IN SENATE AMENDMENT NO.1
CONCURRED

May 19, 2004

107 YEAS

7 NAYS

4 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	P Dunkin	Y Leitch	N 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
N 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	P 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	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	N Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	P Turner
N Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	P Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
N 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	
N Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4318
 MARRIAGE ACT-GRANDPARENT VISIT
 MOTION TO CONCUR IN SENATE AMENDMENTS NO.1&2
 CONCURRED

May 19, 2004

115 YEAS

3 NAYS

0 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	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	N Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	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 4371
HUMAN RIGHTS-MILITARY RESERVE
MOTION TO CONCUR IN SENATE AMENDMENT NO.3
CONCURRED

May 19, 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	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	A 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 4489
 VEH CD-BRONZE&SILVER STAR PLT
 MOTION TO CONCUR IN SENATE AMENDMENT NO. 1
 CONCURRED

May 19, 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	P 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	A 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 4232
 PHYSICAL FITNESS MED EMERGY
 MOTION TO CONCUR IN SENATE AMENDMENT NO.1
 CONCURRED

May 19, 2004

113 YEAS

3 NAYS

1 PRESENT

Y Acevedo	Y Delgado	N 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	N 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	A Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
P 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
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 4949
CRIM CD-WEAPONS
MOTION TO CONCUR IN SENATE AMENDMENT NO.1
CONCURRED

May 19, 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	A 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