

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-FOURTH GENERAL ASSEMBLY

36TH LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

FRIDAY, APRIL 8, 2005

9:52 O'CLOCK A.M.

**HOUSE OF REPRESENTATIVES
Daily Journal Index
36th Legislative Day**

Action	Page(s)
Adjournment	75
Agreed Resolutions	15
Balanced Budget Notes Requested.....	12
Change of Sponsorship.....	15
Correctional Notes Requested.....	11
Fiscal Note Supplied	11
Fiscal Notes Requested	12
Home Rule Notes Requested.....	12
Housing Affordability Impact Note Supplied	11
Housing Affordability Impact Notes Requested	12
Judicial Notes Requested.....	12
Land Conveyance Appraisal Notes Requested.....	12
Messages from the Senate	75
Messages From The Senate.....	13
Motions Submitted	10
Pension Note Requested.....	13
Pension Note Supplied	11
Perfunctory Adjournment.....	114
Perfunctory Session.....	110
Quorum Roll Call.....	10
Reports From Standing Committees	10
Resolutions.....	110
Senate Bills on First Reading	110
State Debt Impact Note Requested.....	13
State Debt Impact Note Supplied	11
State Mandates Fiscal Notes Requested.....	11

Bill Number	Legislative Action	Page(s)
HB 0002	Second Reading.....	110
HB 0009	Second Reading.....	110
HB 0027	Third Reading	39
HB 0044	Second Reading.....	110
HB 0045	Second Reading.....	110
HB 0121	Second Reading.....	110
HB 0124	Second Reading.....	110
HB 0129	Second Reading.....	110
HB 0136	Second Reading.....	110
HB 0164	Second Reading.....	110
HB 0176	Second Reading.....	110
HB 0179	Second Reading.....	110
HB 0230	Second Reading.....	110
HB 0231	Second Reading.....	110
HB 0246	Second Reading.....	110
HB 0248	Second Reading.....	110
HB 0258	Second Reading.....	110
HB 0265	Second Reading.....	110
HB 0294	Second Reading.....	110
HB 0298	Second Reading.....	110
HB 0323	Second Reading.....	110
HB 0341	Second Reading – Amendment/s	41

HB 0360	Second Reading.....	110
HB 0363	Second Reading.....	110
HB 0368	Second Reading.....	110
HB 0438	Second Reading – Amendment/s	18
HB 0454	Second Reading.....	110
HB 0461	Second Reading.....	110
HB 0468	Second Reading.....	110
HB 0471	Third Reading	56
HB 0476	Second Reading.....	110
HB 0478	Second Reading.....	110
HB 0480	Second Reading.....	110
HB 0481	Second Reading.....	110
HB 0483	Second Reading.....	110
HB 0506	Second Reading.....	110
HB 0542	Second Reading.....	110
HB 0568	Second Reading.....	110
HB 0599	Second Reading.....	110
HB 0639	Second Reading.....	110
HB 0666	Second Reading.....	110
HB 0667	Second Reading.....	110
HB 0679	Second Reading.....	110
HB 0689	Second Reading.....	110
HB 0690	Second Reading.....	110
HB 0711	Second Reading – Amendment/s	55
HB 0712	Second Reading.....	110
HB 0730	Second Reading.....	110
HB 0756	Second Reading.....	110
HB 0764	Second Reading.....	110
HB 0769	Third Reading	55
HB 0778	Second Reading.....	110
HB 0824	Second Reading.....	110
HB 0866	Second Reading.....	110
HB 0868	Second Reading.....	110
HB 0873	Second Reading.....	110
HB 0881	Second Reading.....	110
HB 0902	Second Reading.....	110
HB 0911	Second Reading.....	110
HB 0914	Second Reading.....	110
HB 0915	Second Reading.....	110
HB 0916	Second Reading.....	110
HB 0918	Third Reading	40
HB 0920	Third Reading	39
HB 0928	Second Reading.....	110
HB 0930	Second Reading.....	110
HB 0934	Second Reading.....	110
HB 0935	Second Reading.....	110
HB 0936	Second Reading.....	110
HB 0937	Second Reading.....	110
HB 0938	Second Reading.....	110
HB 0940	Second Reading.....	110
HB 0943	Second Reading.....	110
HB 0956	Third Reading	35
HB 0961	Third Reading	56
HB 0962	Second Reading.....	110
HB 0975	Second Reading.....	110
HB 0978	Second Reading.....	110
HB 1000	Second Reading.....	110

HB 1005	Third Reading	39
HB 1031	Second Reading.....	110
HB 1039	Second Reading – Amendment/s	56
HB 1044	Second Reading.....	110
HB 1061	Second Reading.....	110
HB 1063	Motion Submitted	11
HB 1063	Second Reading.....	110
HB 1073	Second Reading.....	110
HB 1094	Second Reading – amendment	44
HB 1100	Committee Report – Floor Amendment/s	10
HB 1100	Second Reading – amendment	19
HB 1103	Second Reading.....	110
HB 1104	Second Reading.....	110
HB 1133	Second Reading – amendment	54
HB 1161	Second Reading.....	110
HB 1177	Second Reading.....	110
HB 1178	Second Reading.....	110
HB 1197	Second Reading.....	110
HB 1271	Second Reading.....	110
HB 1272	Second Reading – amendment	74
HB 1285	Second Reading.....	110
HB 1308	Second Reading.....	110
HB 1314	Second Reading.....	110
HB 1337	Second Reading.....	110
HB 1340	Second Reading.....	110
HB 1362	Third Reading	19
HB 1365	Second Reading.....	110
HB 1366	Second Reading.....	110
HB 1367	Second Reading.....	110
HB 1368	Third Reading	41
HB 1370	Second Reading.....	110
HB 1384	Second Reading.....	44
HB 1389	Second Reading.....	110
HB 1404	Second Reading.....	110
HB 1428	Second Reading.....	110
HB 1431	Second Reading.....	110
HB 1445	Second Reading.....	110
HB 1448	Third Reading	17
HB 1449	Second Reading.....	110
HB 1450	Second Reading.....	110
HB 1469	Third Reading	18
HB 1475	Second Reading.....	110
HB 1524	Second Reading.....	110
HB 1525	Second Reading.....	110
HB 1527	Second Reading.....	110
HB 1533	Second Reading.....	110
HB 1535	Second Reading.....	110
HB 1540	Second Reading.....	110
HB 1541	Third Reading	17
HB 1554	Third Reading	46
HB 1555	Third Reading	18
HB 1560	Second Reading.....	110
HB 1565	Second Reading.....	55
HB 1568	Second Reading.....	110
HB 1573	Second Reading.....	110
HB 1582	Second Reading.....	110
HB 1592	Second Reading.....	110

HB 1596	Second Reading.....	110
HB 1603	Second Reading.....	110
HB 1628	Committee Report – Floor Amendment/s	10
HB 1628	Second Reading.....	110
HB 1633	Second Reading.....	110
HB 1656	Second Reading.....	110
HB 1658	Second Reading.....	110
HB 1749	Second Reading.....	110
HB 1920	Second Reading.....	110
HB 1999	Second Reading – amendment	34
HB 2000	Second Reading.....	110
HB 2002	Second Reading.....	110
HB 2018	Second Reading.....	110
HB 2047	Second Reading.....	110
HB 2049	Second Reading.....	110
HB 2137	Second Reading.....	110
HB 2190	Second Reading.....	110
HB 2194	Second Reading.....	110
HB 2217	Second Reading.....	110
HB 2244	Second Reading.....	110
HB 2248	Second Reading.....	110
HB 2262	Second Reading.....	110
HB 2330	Second Reading.....	110
HB 2348	Second Reading.....	110
HB 2367	Second Reading.....	110
HB 2369	Second Reading.....	110
HB 2371	Second Reading.....	110
HB 2373	Second Reading.....	110
HB 2388	Second Reading.....	110
HB 2396	Second Reading.....	110
HB 2411	Third Reading	17
HB 2412	Second Reading.....	110
HB 2414	Second Reading.....	110
HB 2416	Third Reading	45
HB 2417	Second Reading – Amendment/s	44
HB 2418	Second Reading.....	110
HB 2429	Second Reading.....	110
HB 2432	Second Reading.....	110
HB 2443	Second Reading.....	110
HB 2447	Second Reading.....	110
HB 2451	Second Reading.....	110
HB 2461	Second Reading.....	110
HB 2465	Second Reading.....	110
HB 2466	Second Reading.....	110
HB 2468	Second Reading.....	110
HB 2478	Second Reading.....	110
HB 2480	Third Reading	39
HB 2483	Second Reading.....	110
HB 2512	Third Reading	18
HB 2517	Second Reading.....	110
HB 2521	Second Reading.....	110
HB 2525	Second Reading.....	110
HB 2526	Second Reading.....	110
HB 2546	Second Reading.....	110
HB 2547	Second Reading.....	56
HB 2550	Third Reading	39
HB 2552	Second Reading.....	110

HB 2567	Second Reading.....	110
HB 2568	Second Reading.....	110
HB 2572	Second Reading.....	110
HB 2577	Second Reading.....	110
HB 2593	Second Reading.....	110
HB 2594	Second Reading.....	110
HB 2607	Second Reading.....	110
HB 2612	Second Reading.....	110
HB 2695	Second Reading.....	110
HB 2705	Second Reading.....	110
HB 2706	Second Reading.....	110
HB 2707	Second Reading.....	110
HB 2709	Second Reading.....	110
HB 2710	Second Reading.....	110
HB 2711	Second Reading.....	110
HB 2712	Second Reading.....	110
HB 2758	Second Reading.....	110
HB 2768	Second Reading.....	110
HB 2887	Second Reading.....	110
HB 2890	Second Reading.....	110
HB 2900	Second Reading – amendment.....	36
HB 2920	Third Reading.....	39
HB 2941	Second Reading.....	110
HB 2943	Third Reading.....	38
HB 2962	Second Reading.....	110
HB 2976	Second Reading.....	110
HB 2991	Second Reading.....	110
HB 3003	Second Reading.....	110
HB 3010	Second Reading.....	110
HB 3040	Second Reading.....	110
HB 3063	Second Reading.....	110
HB 3066	Second Reading.....	110
HB 3076	Second Reading.....	110
HB 3092	Second Reading.....	110
HB 3123	Second Reading.....	110
HB 3125	Second Reading.....	110
HB 3130	Second Reading.....	110
HB 3131	Second Reading.....	110
HB 3141	Second Reading.....	110
HB 3158	Second Reading.....	110
HB 3174	Second Reading.....	110
HB 3187	Second Reading.....	110
HB 3215	Second Reading.....	110
HB 3273	Second Reading.....	110
HB 3318	Second Reading.....	110
HB 3415	Second Reading.....	110
HB 3443	Second Reading.....	110
HB 3449	Second Reading.....	110
HB 3453	Second Reading.....	110
HB 3457	Third Reading.....	40
HB 3462	Second Reading.....	110
HB 3467	Third Reading.....	44
HB 3471	Second Reading – amendment.....	46
HB 3472	Second Reading.....	110
HB 3475	Second Reading.....	110
HB 3478	Second Reading.....	110
HB 3487	Second Reading.....	110

HB 3488	Second Reading.....	110
HB 3498	Second Reading.....	110
HB 3499	Second Reading.....	110
HB 3500	Second Reading.....	110
HB 3517	Second Reading.....	110
HB 3523	Second Reading.....	110
HB 3526	Second Reading.....	110
HB 3528	Second Reading.....	110
HB 3538	Third Reading.....	45
HB 3545	Second Reading.....	110
HB 3551	Second Reading.....	110
HB 3554	Third Reading.....	19
HB 3555	Second Reading.....	110
HB 3577	Third Reading.....	40
HB 3596	Second Reading.....	110
HB 3602	Second Reading.....	110
HB 3606	Third Reading.....	56
HB 3615	Second Reading.....	110
HB 3621	Second Reading.....	44
HB 3624	Second Reading.....	110
HB 3627	Second Reading.....	110
HB 3628	Second Reading – amendment.....	57
HB 3640	Second Reading.....	110
HB 3643	Second Reading.....	110
HB 3649	Second Reading.....	110
HB 3650	Second Reading.....	110
HB 3678	Third Reading.....	18
HB 3679	Second Reading.....	110
HB 3685	Second Reading.....	110
HB 3694	Second Reading.....	110
HB 3696	Second Reading.....	110
HB 3711	Second Reading.....	110
HB 3713	Second Reading.....	110
HB 3721	Second Reading.....	110
HB 3749	Second Reading.....	110
HB 3751	Second Reading.....	110
HB 3760	Second Reading.....	110
HB 3761	Second Reading.....	110
HB 3767	Second Reading.....	110
HB 3770	Recall.....	17
HB 3777	Second Reading.....	110
HB 3785	Third Reading.....	45
HB 3798	Second Reading.....	110
HB 3800	Second Reading.....	110
HB 3816	Second Reading.....	110
HB 3823	Second Reading.....	110
HB 3825	Second Reading.....	45
HB 3842	Second Reading.....	110
HB 3851	Second Reading.....	110
HB 3853	Second Reading.....	110
HB 3867	Second Reading.....	110
HB 3874	Third Reading.....	18
HB 3877	Second Reading.....	110
HB 4014	Second Reading.....	110
HB 4025	Third Reading.....	40
HB 4030	Second Reading.....	56
HB 4031	Second Reading.....	110

HB 4049	Second Reading.....	110
HB 4050	Second Reading.....	110
HB 4051	Second Reading.....	110
HB 4052	Second Reading – amendment.....	40
HB 4053	Second Reading.....	110
HJR 0036	Adoption.....	75
HJR 0036	Resolution.....	17
HJR 0037	Resolution.....	112
HR 0265	Motion Submitted.....	11
HR 0273	Resolution.....	15
HR 0273	Adoption.....	75
HR 0274	Resolution.....	15
HR 0274	Adoption.....	75
HR 0275	Resolution.....	16
HR 0275	Adoption.....	75
HR 0276	Resolution.....	16
HR 0276	Adoption.....	75
HR 0277	Resolution.....	16
HR 0277	Adoption.....	75
HR 0278	Resolution.....	110
HR 0279	Resolution.....	16
HR 0279	Adoption.....	75
HR 0280	Resolution.....	111
HR 0281	Resolution.....	16
HR 0281	Adoption.....	75
HR 0282	Resolution.....	16
HR 0282	Adoption.....	75
HR 0283	Resolution.....	16
HR 0283	Adoption.....	75
HR 0284	Resolution.....	16
HR 0284	Adoption.....	75
HR 0285	Resolution.....	16
HR 0285	Adoption.....	75
HR 0286	Resolution.....	111
HR 0287	Resolution.....	16
HR 0287	Adoption.....	75
HR 0288	Resolution.....	17
HR 0288	Adoption.....	75
HR 0289	Resolution.....	17
HR 0289	Adoption.....	75
SB 0470	First Reading.....	110
SB 0478	First Reading.....	110
SB 0511	First Reading.....	110
SB 0533	First Reading.....	110
SB 0542	First Reading.....	110
SB 0542	Senate Message – Passage of Senate Bill.....	14
SB 0555	First Reading.....	110
SB 0555	Senate Message – Passage of Senate Bill.....	14
SB 0559	Senate Message – Passage of Senate Bill.....	14
SB 0562	Senate Message – Passage of Senate Bill.....	14
SB 0611	First Reading.....	110
SB 0611	Senate Message – Passage of Senate Bill.....	14
SB 0615	Senate Message – Passage of Senate Bill.....	14
SB 0659	Senate Message – Passage of Senate Bill.....	14
SB 0769	Senate Message – Passage of Senate Bill.....	14
SB 0770	Senate Message – Passage of Senate Bill.....	14

SB 0849	Senate Message – Passage of Senate Bill	14
SB 0892	First Reading.....	110
SB 0892	Senate Message – Passage of Senate Bill	14
SB 1219	Senate Message – Passage of Senate Bill	14
SB 1220	Senate Message – Passage of Senate Bill	14
SB 1221	Senate Message – Passage of Senate Bill	14
SB 1294	First Reading.....	110
SB 1294	Senate Message – Passage of Senate Bill	14
SB 1325	Senate Message – Passage of Senate Bill	14
SB 1354	Senate Message – Passage of Senate Bill	14
SB 1442	Senate Message – Passage of Senate Bill	14
SB 1443	Senate Message – Passage of Senate Bill	14
SB 1453	Senate Message – Passage of Senate Bill	14
SB 1458	First Reading.....	110
SB 1458	Senate Message – Passage of Senate Bill	14
SB 1479	First Reading.....	110
SB 1479	Senate Message – Passage of Senate Bill	14
SB 1483	Senate Message – Passage of Senate Bill	14
SB 1485	First Reading.....	110
SB 1485	Senate Message – Passage of Senate Bill	14
SB 1489	First Reading.....	110
SB 1489	Senate Message – Passage of Senate Bill	14
SB 1620	First Reading.....	110
SB 1620	Senate Message – Passage of Senate Bill	14
SB 1622	Senate Message – Passage of Senate Bill	14
SB 1626	Senate Message – Passage of Senate Bill	14
SB 1627	First Reading.....	110
SB 1627	Senate Message – Passage of Senate Bill	14
SB 1629	First Reading.....	110
SB 1629	Senate Message – Passage of Senate Bill	14
SB 1637	First Reading.....	110
SB 1637	Senate Message – Passage of Senate Bill	14
SB 1639	Senate Message – Passage of Senate Bill	15
SB 1645	Senate Message – Passage of Senate Bill	15
SB 1649	Senate Message – Passage of Senate Bill	15
SB 1651	Senate Message – Passage of Senate Bill	15
SB 1658	Senate Message – Passage of Senate Bill	15
SB 1660	Senate Message – Passage of Senate Bill	15
SB 1666	Senate Message – Passage of Senate Bill	15
SB 1696	First Reading.....	110
SB 1696	Senate Message – Passage of Senate Bill	15
SB 1697	First Reading.....	110
SB 1697	Senate Message – Passage of Senate Bill	15
SB 1698	First Reading.....	110
SB 1698	Senate Message – Passage of Senate Bill	15
SB 1699	Senate Message – Passage of Senate Bill	15
SB 1705	First Reading.....	110
SB 1705	Senate Message – Passage of Senate Bill	15
SB 1707	Senate Message – Passage of Senate Bill	15
SB 1738	Senate Message – Passage of Senate Bill	15
SB 1740	First Reading.....	110
SB 1740	Senate Message – Passage of Senate Bill	15
SB 1741	Senate Message – Passage of Senate Bill	15
SB 1751	Senate Message – Passage of Senate Bill	15

The House met pursuant to adjournment.

Representative Hannig in the chair.

Prayer by Donna Matthiesen, with McHenry Christian Science Church in McHenry, IL.

Representative Howard 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:

109 present. (ROLL CALL 1)

By unanimous consent, Representatives Acevedo, Black, Boland, Bost, Currie, Kosel, McKeon and Munson were excused from attendance.

REPORTS FROM STANDING COMMITTEES

Representative Feigenholtz, Chairperson, from the Committee on Environmental Health to which the following were referred, action taken on April 8, 2005, reported the same back with the following recommendations:

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

Amendment No. 4 to HOUSE BILL 1628.

The committee roll call vote on Amendment No. 4 to House Bill 1628 is as follows:

6, Yeas; 2, Nays; 0, Answering Present.

Y May, Karen(D), Chairperson	N Brauer, Rich(R)
A Churchill, Robert(R)	Y Feigenholtz, Sara(D)
N McCarthy, Kevin(D)	A Meyer, James(R), Republican Spokesperson
A Parke, Terry(R)	Y Ryg, Kathleen(D)
Y Tryon, Michael(R)	Y Yarbrough, Karen(D)
Y Younge, Wyvetter(D), Vice-Chairperson	

Representative Boland, Chairperson, from the Committee on Financial Institutions to which the following were referred, action taken on April 8, 2005, reported the same back with the following recommendations:

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

Amendment No. 4 to HOUSE BILL 1100.

The committee roll call vote on Amendment No. 4 to House Bill 1100 is as follows:

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

Y Chavez(D) (replacing Boland)	Y Miller(D) (replacing Acevedo)
Y Bellock, Patricia(R)	Y Bradley, Richard(D)
Y Eddy(R) (replacing Brauer)	Y Burke, Daniel(D), Vice-Chairperson
Y Coulson, Elizabeth(R)	A Cultra, Shane(R)
Y Davis, Monique(D)	Y Dunkin, Kenneth(D)
Y Dunn, Joe(R)	A Fritchey, John(D)
Y Giles, Calvin(D)	Y Holbrook, Thomas(D)
Y Hultgren, Randall(R)	Y Jenisch, Roger(R)
Y Jones, Lovana(D)	Y Lyons, Joseph(D)
Y Mautino, Frank(D)	Y McAuliffe, Michael(R)
Y McCarthy, Kevin(D)	Y Mitchell, Bill(R), Republican Spokesperson
Y Hassert(R) (replacing Munson)	Y Osterman, Harry(D)
Y Reis, David(R)	Y Reitz, Dan(D)
Y Rose, Chapin(R)	Y Schock, Aaron(R)
Y Smith, Michael(D)	Y Watson, Jim(R)

MOTIONS SUBMITTED

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

MOTION

Pursuant to Rule 60(b), I move to table HOUSE RESOLUTION 265.

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

MOTION

I move to table Amendment No. 1 to HOUSE BILL 1063.

HOUSING AFFORDABILITY IMPACT NOTE SUPPLIED

A Housing Affordability Impact Note has been supplied for HOUSE BILL 1063.

FISCAL NOTE SUPPLIED

A Fiscal Note has been supplied for HOUSE BILL 3606.

PENSION NOTES SUPPLIED

Pension Notes have been supplied for HOUSE BILLS 45, as amended, 1063, as amended, and 1100, as amended.

STATE DEBT IMPACT NOTE SUPPLIED

A State Debt Impact Note has been supplied for HOUSE BILL 1063, as amended.

REQUEST FOR STATE MANDATES FISCAL NOTES

Representative Jenisch requested that a State Mandates Fiscal Note be supplied for HOUSE BILL 2408.

Representative Parke requested that a State Mandates Fiscal Note be supplied for HOUSE BILL 1308.

Representative Stephens requested that a State Mandates Fiscal Note be supplied for HOUSE BILL 1000, as amended.

Representative Fritchey requested that a State Mandates Fiscal Note be supplied for HOUSE BILL 1063, as amended.

REQUEST FOR CORRECTIONAL NOTES

Representative Jenisch requested that a Correctional Note be supplied for HOUSE BILL 2408.

Representative Parke requested that a Correctional Note be supplied for HOUSE BILL 1308.

Representative Mautino requested that a Correctional Note be supplied for HOUSE BILL 3867.

Representative Stephens requested that a Correctional Note be supplied for HOUSE BILL 1000, as amended.

Representative Fritchey requested that a Correctional Note be supplied for HOUSE BILL 1063, as amended.

REQUEST FOR FISCAL NOTES

Representative Parke requested that a Fiscal Note be supplied for HOUSE BILL 1308.

Representative Stephens requested that a Fiscal Note be supplied for HOUSE BILL 1000, as amended.

Representative Fritchey requested that a Fiscal Note be supplied for HOUSE BILL 1063, as amended.

REQUEST FOR JUDICIAL NOTES

Representative Parke requested that a Judicial Note be supplied for HOUSE BILL 1308.

Representative Mautino requested that a Judicial Note be supplied for HOUSE BILL 3867.

Representative Stephens requested that a Judicial Note be supplied for HOUSE BILL 1000, as amended.

Representative Fritchey requested that a Judicial Note be supplied for HOUSE BILL 1063, as amended.

REQUEST FOR BALANCED BUDGET NOTES

Representative Stephens requested that a Balanced Budget Note be supplied for HOUSE BILL 1000, as amended.

Representative Fritchey requested that a Balanced Budget Note be supplied for HOUSE BILL 1063, as amended.

REQUEST FOR HOME RULE NOTES

Representative Stephens requested that a Home Rule Note be supplied for HOUSE BILL 1000, as amended.

Representative Fritchey requested that a Home Rule Note be supplied for HOUSE BILL 1063, as amended.

REQUEST FOR HOUSING AFFORDABILITY IMPACT NOTES

Representative Stephens requested that a Housing Affordability Impact Note be supplied for HOUSE BILL 1000, as amended.

Representative Fritchey requested that a Housing Affordability Impact Note be supplied for HOUSE BILL 1063, as amended.

REQUEST FOR LAND CONVEYANCE APPRAISAL NOTES

Representative Stephens requested that a Land Conveyance Appraisal Note be supplied for HOUSE BILL 1000, as amended.

Representative Fritchey requested that a Land Conveyance Appraisal Note be supplied for HOUSE BILL 1063, as amended.

REQUEST FOR PENSION NOTE

Representative Stephens requested that a Pension Note be supplied for HOUSE BILL 1000, as amended.

REQUEST FOR STATE DEBT IMPACT NOTE

Representative Stephens requested that a State Debt Impact Note be supplied for HOUSE BILL 1000, as amended.

MESSAGES FROM THE SENATE

A message from the Senate by

Ms. Hawker, Secretary:

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

SENATE BILL NO. 542

A bill for AN ACT concerning business.

SENATE BILL NO. 555

A bill for AN ACT concerning insurance coverage.

SENATE BILL NO. 559

A bill for AN ACT concerning health.

SENATE BILL NO. 562

A bill for AN ACT concerning methamphetamine.

SENATE BILL NO. 611

A bill for AN ACT concerning local government.

SENATE BILL NO. 615

A bill for AN ACT concerning revenue.

SENATE BILL NO. 659

A bill for AN ACT concerning rural technology.

SENATE BILL NO. 769

A bill for AN ACT concerning alternate fuels.

SENATE BILL NO. 770

A bill for AN ACT concerning insurance.

SENATE BILL NO. 849

A bill for AN ACT concerning health facilities.

SENATE BILL NO. 892

A bill for AN ACT concerning finance.

SENATE BILL NO. 1219

A bill for AN ACT concerning property.

SENATE BILL NO. 1220

A bill for AN ACT concerning health.

SENATE BILL NO. 1221

A bill for AN ACT concerning transportation.

SENATE BILL NO. 1294

A bill for AN ACT concerning revenue.

SENATE BILL NO. 1325
A bill for AN ACT in relation to health.
SENATE BILL NO. 1354
A bill for AN ACT concerning State government.
SENATE BILL NO. 1442
A bill for AN ACT concerning State government.
SENATE BILL NO. 1443
A bill for AN ACT concerning courts.
SENATE BILL NO. 1453
A bill for AN ACT concerning finance.
SENATE BILL NO. 1458
A bill for AN ACT concerning adoption.
SENATE BILL NO. 1479
A bill for AN ACT concerning business.
SENATE BILL NO. 1483
A bill for AN ACT concerning safety.
SENATE BILL NO. 1485
A bill for AN ACT concerning transportation.
SENATE BILL NO. 1489
A bill for AN ACT concerning aging.
SENATE BILL NO. 1620
A bill for AN ACT concerning regulation.
SENATE BILL NO. 1622
A bill for AN ACT concerning revenue.
SENATE BILL NO. 1626
A bill for AN ACT concerning education.
SENATE BILL NO. 1627
A bill for AN ACT concerning employment.
SENATE BILL NO. 1629
A bill for AN ACT concerning regulation.
SENATE BILL NO. 1637
A bill for AN ACT concerning elections.
Passed by the Senate, April 8, 2005.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILLS 542, 555, 559, 562, 611, 615, 659, 769, 770, 849, 892, 1219, 1220, 1221, 1294, 1325, 1354, 1442, 1443, 1453, 1458, 1479, 1483, 1485, 1489, 1620, 1622, 1626, 1627, 1629 and 1637 were ordered reproduced and placed on the order of Senate Bills - First Reading.

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

SENATE BILL NO. 1639
A bill for AN ACT concerning education.
SENATE BILL NO. 1645
A bill for AN ACT concerning technology development.
SENATE BILL NO. 1649
A bill for AN ACT concerning transportation.
SENATE BILL NO. 1651
A bill for AN ACT concerning public aid.
SENATE BILL NO. 1658
A bill for AN ACT concerning finance.

SENATE BILL NO. 1660
 A bill for AN ACT in relation to public employee benefits.
 SENATE BILL NO. 1666
 A bill for AN ACT concerning transportation.
 SENATE BILL NO. 1696
 A bill for AN ACT concerning elections.
 SENATE BILL NO. 1697
 A bill for AN ACT concerning elections.
 SENATE BILL NO. 1698
 A bill for AN ACT concerning health.
 SENATE BILL NO. 1699
 A bill for AN ACT concerning State government.
 SENATE BILL NO. 1705
 A bill for AN ACT concerning regulation.
 SENATE BILL NO. 1707
 A bill for AN ACT concerning revenue.
 SENATE BILL NO. 1738
 A bill for AN ACT in relation to vehicles.
 SENATE BILL NO. 1740
 A bill for AN ACT concerning transportation.
 SENATE BILL NO. 1741
 A bill for AN ACT concerning transportation.
 SENATE BILL NO. 1751
 A bill for AN ACT concerning civil liabilities.
 Passed by the Senate, April 8, 2005.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILLS 1639, 1645, 1649, 1651, 1658, 1660, 1666, 1696, 1697, 1698, 1699, 1705, 1707, 1738, 1740, 1741 and 1751 were ordered reproduced and placed on the order of Senate Bills - First Reading.

CHANGE OF SPONSORSHIP

With the consent of the affected members, Representative Phelps was removed as principal sponsor, and Representative Rita became the new principal sponsor of HOUSE BILL 1310.

With the consent of the affected members, Representative Howard was removed as principal sponsor, and Representative Bailey became the new principal sponsor of HOUSE BILL 904.

AGREED RESOLUTIONS

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

HOUSE RESOLUTION 273

Offered by Representative Granberg:
 Mourns the death of Harold "Hoz" Kueper of Carlyle on March 29, 2005.

HOUSE RESOLUTION 274

Offered by Representative Granberg:
 Congratulates Ms. Cass Stevenson on receiving a Spotlight on Service Award given by the Secretary of State/Illinois State Library Literacy Office and the Illinois Press Association.

HOUSE RESOLUTION 275

Offered by Representative Granberg:
Congratulates Mr. David Peek on receiving a Spotlight on Achievement Award given by the Secretary of State/Illinois State Library Literacy Office and the Illinois Press Association.

HOUSE RESOLUTION 276

Offered by Representative Granberg:
Congratulates Ms. Barbara Williams on receiving a Spotlight on Service Award given by the Secretary of State/Illinois State Library Literacy Office and the Illinois Press Association.

HOUSE RESOLUTION 277

Offered by Representative Beiser:
Congratulates Lewis and Clark Community College in Godfrey on the occasion of its 35th anniversary.

HOUSE RESOLUTION 279

Offered by Representative Parke:
Congratulates Jeremiah J. O'Connor, Secretary-Treasurer of the International Brotherhood of Electrical Workers, on his retirement.

HOUSE RESOLUTION 281

Offered by Representatives Dunn and Meyer:
Mourns the death of Samuel T. Macrane Jr. of Naperville.

HOUSE RESOLUTION 282

Offered by Representative Rita:
Congratulates Jack King of Chicago on his retirement from and continuing dedication to Guildhaus, a halfway house that helps men recover from alcoholism.

HOUSE RESOLUTION 283

Offered by Representative Rita:
Mourns the death of Edward Sabotnik.

HOUSE RESOLUTION 284

Offered by Representatives Froehlich, Saviano, Jenisch, Daniels and Biggins:
Congratulates Floyd W. Sanford, Bloomingdale Township Supervisor, on his retirement April 30, 2005.

HOUSE RESOLUTION 285

Offered by Representative Black:
Congratulates Jerry Zachary, Rantoul Township High School Superintendent, on his retirement June 30, 2005.

HOUSE RESOLUTION 287

Offered by Representative Flider:
Congratulates Robert F. Plotzke, Executive Director of Rolling Prairie Library System (RPLS) in Decatur, on the occasion of his retirement.

HOUSE RESOLUTION 288

Offered by Representative Flider:
 Congratulates Paul V. Johnson, Assistant Executive Director of Rolling Prairie Library System in Decatur, on the occasion of his retirement.

HOUSE RESOLUTION 289

Offered by Representative Phelps:
 Congratulates Hazel Lands of Harrisburg on the occasion of her 100th birthday.

HOUSE JOINT RESOLUTION 36

Offered by Representative Beaubien:
 Congratulates James Eschenbauch, President of the Village of Wauconda, on his retirement.

RECALL

At the request of the principal sponsor, Representative Beiser, HOUSE BILL 3770 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative John Bradley, HOUSE BILL 2411 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:
 109, Yeas; 0, Nays; 0, Answering Present.
 (ROLL CALL 2)

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

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

On motion of Representative Cross, HOUSE BILL 1541 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:
 109, Yeas; 0, Nays; 0, Answering Present.
 (ROLL CALL 3)

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

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

On motion of Representative Churchill, HOUSE BILL 1448 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:
 109, Yeas; 0, Nays; 0, Answering Present.
 (ROLL CALL 4)

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

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

On motion of Representative Brosnahan, HOUSE BILL 3874 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 108, Yeas; 1, Nay; 0, Answering Present.

(ROLL CALL 5)

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

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

On motion of Representative Chavez, HOUSE BILL 1469 was taken up and read by title a third time. The Chair placed this bill on standard debate.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 108, Yeas; 0, Nays; 1, Answering Present.

(ROLL CALL 6)

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

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

On motion of Representative Daniels, HOUSE BILL 2512 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

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

(ROLL CALL 7)

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

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

On motion of Representative D'Amico, HOUSE BILL 1555 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

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

(ROLL CALL 8)

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

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

On motion of Representative Delgado, HOUSE BILL 3678 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

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

(ROLL CALL 9)

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

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

HOUSE BILL ON SECOND READING

HOUSE BILL 438. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Human Services, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 438 as follows:

on page 3, lines 4 through 6, by replacing "provide that a person may have not more than \$20,000 in assets to be eligible for the services" with "set forth, by administrative rule, limitations on the amount of assets

that a person may have to be eligible for the services".

Representative Holbrook offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 438, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, lines 5 through 7, by replacing "set forth, by administrative rule, limitations on the amount of assets that a person may have to be eligible for the services" with "provide that a person may have not more than \$10,000 in assets to be eligible for the services, and the Department may increase the asset limitation by rule".

The foregoing motion prevailed and Amendment No. 2 was adopted.

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

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Jenisch, HOUSE BILL 3554 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: 85, Yeas; 24, Nays; 0, Answering Present.

(ROLL CALL 10)

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

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

On motion of Representative Burke, HOUSE BILL 1362 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 108, Yeas; 0, Nays; 1, Answering Present.

(ROLL CALL 11)

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

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

HOUSE BILLS ON SECOND READING

HOUSE BILL 1100. Having been read by title a second time on March 15, 2005, and held on the order of Second Reading, the same was again taken up.

Representative Miller offered the following amendment and moved its adoption.

AMENDMENT NO. 4. Amend House Bill 1100, AS AMENDED, by replacing everything after the enacting clause with the following:

"Article 1. General Provisions

Section 1-1. Short title. This Act may be cited as the Payday Loan Reform Act.

Section 1-5. Purpose and construction. The purpose of this Act is to protect consumers who enter into payday loans and to regulate the lenders of payday loans. This Act shall be construed as a consumer protection law for all purposes. This Act shall be liberally construed to effectuate its purpose.

Section 1-10. Definitions. As used in this Act:

"Check" means a "negotiable instrument", as defined in Article 3 of the Uniform Commercial Code, that is drawn on a financial institution.

"Commercially reasonable method of verification" means a consumer reporting service certified by the

Division as effective in verifying that a proposed loan agreement is permissible under this Act, or, in the absence of the Division's certification, any reasonably reliable written verification by the consumer concerning (i) whether the consumer has any outstanding payday loans, (ii) the principal amount of those outstanding payday loans, and (iii) whether any payday loans have been paid in full by the consumer in the preceding 7 days.

"Consumer" means any natural person who, singly or jointly with another consumer, enters into a loan.

"Division" means the Division of Financial Institutions of the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Financial Institutions of the Department of Financial and Professional Regulation.

"Gross monthly income" means monthly income as demonstrated by official documentation of the income, including, but not limited to, a pay stub or a receipt reflecting payment of government benefits, for the period 30 days prior to the date on which the loan is made.

"Lender" and "licensee" mean any person or entity, including any affiliate or subsidiary of a lender or licensee, that offers or makes a payday loan, buys a whole or partial interest in a payday loan, arranges a payday loan for a third party, or acts as an agent for a third party in making a payday loan, regardless of whether approval, acceptance, or ratification by the third party is necessary to create a legal obligation for the third party, and includes any other person or entity if the Division determines that the person or entity is engaged in a transaction that is in substance a disguised payday loan or a subterfuge for the purpose of avoiding this Act.

"Loan agreement" means a written agreement between a lender and consumer to make a loan to the consumer, regardless of whether any loan proceeds are actually paid to the consumer on the date on which the loan agreement is made.

"Member of the military" means a person serving in the armed forces of the United States, the Illinois National Guard, or any reserve component of the armed forces of the United States. "Member of the military" includes those persons engaged in (i) active duty, (ii) training or education under the supervision of the United States preliminary to induction into military service, or (iii) a period of active duty with the State of Illinois under Title 10 or Title 32 of the United States Code pursuant to order of the President or the Governor of the State of Illinois.

"Outstanding balance" means the total amount owed by the consumer on a loan to a lender, including all principal, finance charges, fees, and charges of every kind.

"Payday loan" or "loan" means a loan with a finance charge exceeding an annual percentage rate of 36% and with a term that does not exceed 120 days, including any transaction conducted via any medium whatsoever, including, but not limited to, paper, facsimile, Internet, or telephone, in which:

- (1) A lender accepts one or more checks dated on the date written and agrees to hold them for a period of days before deposit or presentment, or accepts one or more checks dated subsequent to the date written and agrees to hold them for deposit; or
- (2) A lender accepts one or more authorizations to debit a consumer's bank account; or
- (3) A lender accepts an interest in a consumer's wages, including, but not limited to, a wage assignment.

"Principal amount" means the amount received by the consumer from the lender due and owing on a loan, excluding any finance charges, interest, fees, or other loan-related charges.

"Rollover" means to refinance, renew, amend, or extend a loan beyond its original term.

Section 1-15. Applicability.

(a) Except as otherwise provided in this Section, this Act applies to any lender that offers or makes a payday loan to a consumer in Illinois.

(b) The provisions of this Act apply to any person or entity that seeks to evade its applicability by any device, subterfuge, or pretense whatsoever.

(c) Retail sellers who cash checks incidental to a retail sale and who charge no more than the fees as provided by the Check Cashing Act per check for the service are exempt from the provisions of this Act.

(d) Banks, savings banks, savings and loan associations, credit unions, and insurance companies organized, chartered, or holding a certificate of authority to do business under the laws of this State or any other state or under the laws of the United States are exempt from the provisions of this Act.

(e) A lender, as defined in Section 1-10, that is an agent for a bank, savings bank, savings and loan association, credit union, or insurance company for the purpose of brokering, selling, or otherwise offering payday loans made by the bank, savings bank, savings and loan association, credit union, or insurance company shall be subject to all of the provisions of this Act, except those provisions related to finance

charges.

Article 2. Payday Loans

Section 2-5. Loan terms.

(a) Without affecting the right of a consumer to prepay at any time without cost or penalty, no payday loan may have a minimum term of less than 13 days.

(b) No payday loan may be made to a consumer if the loan would result in the consumer being indebted to one or more payday lenders for a period in excess of 45 consecutive days. Except as provided under Section 2-40, if a consumer has or has had loans outstanding for a period in excess of 45 consecutive days, no payday lender may offer or make a loan to the consumer for at least 7 calendar days after the date on which the outstanding balance of all payday loans made during the 45 consecutive day period is paid in full. For purposes of this subsection, the term "consecutive days" means a series of continuous calendar days in which the consumer has an outstanding balance on one or more payday loans; however, if a payday loan is made to a consumer within 6 days or less after the outstanding balance of all loans is paid in full, those days are counted as "consecutive days" for purposes of this subsection.

(c) No lender may make a payday loan to a consumer if the total principal amount of the loan, when combined with the principal amount of all of the consumer's other outstanding payday loans, exceeds \$1,000 or 25% of the consumer's gross monthly income, whichever is less.

(d) No payday loan may be made to a consumer who has an outstanding balance on 2 payday loans.

(e) No lender may charge more than \$16 per \$100 loaned on any payday loan over the term of the loan.

(f) A lender may not take or attempt to take an interest in any of the consumer's personal property to secure a payday loan.

(g) A consumer has the right to redeem a check or any other item described in the definition of payday loan under Section 1-10 issued in connection with a payday loan from the lender holding the check or other item at any time before the payday loan becomes payable by paying the full amount of the check or other item, less the unearned portion of the finance charge calculated on a simple interest basis.

Section 2-7. Wage assignments. Any payday loan that is a transaction in which the lender accepts a wage assignment must meet the requirements of this Act, the requirements of the Illinois Wage Assignment Act, and the requirements of 16 C.F.R. 444.2(a)(3)(i)(2003, no subsequent amendments or editions are included). A violation of this Section constitutes a material violation of the Payday Loan Reform Act.

Section 2-10. Permitted fees.

(a) If there are insufficient funds to pay a check, Automatic Clearing House (ACH) debit, or any other item described in the definition of payday loan under Section 1-10 on the day of presentment and only after the lender has incurred an expense, a lender may charge a fee not to exceed \$25. Only one such fee may be collected by the lender with respect to a particular check, ACH debit, or item even if it has been deposited and returned more than once. A lender shall present the check, ACH debit, or other item described in the definition of payday loan under Section 1-10 for payment not more than twice. A fee charged under this subsection (a) is a lender's exclusive charge for late payment.

(b) When a consumer repays a payday loan in full before its due date, the lender must refund the finance charges to the consumer on a simple interest basis as of the time of repayment.

(c) Except for the finance charges described in Section 2-5 and as specifically allowed by this Section, a lender may not impose on a consumer any additional finance charges, interest, fees, or charges of any sort for any purpose.

Section 2-15. Verification.

(a) Before entering into a loan agreement with a consumer, a lender must use a commercially reasonable method of verification to verify that the proposed loan agreement is permissible under this Act.

(b) Within 6 months after the effective date of this Act, the Division shall certify that one or more consumer reporting services are commercially reasonable methods of verification. Upon certifying that a consumer reporting service is a commercially reasonable method of verification, the Division shall:

(1) provide reasonable notice to all licensees identifying the commercially reasonable methods of verification that are available; and

(2) immediately upon certification, require each licensee to use a commercially reasonable method of verification as a means of complying with subsection (a) of this Section.

(c) Except as otherwise provided in this Section, all information contained in the certified database regarding any consumer is strictly confidential and is exempt from disclosure under the Freedom of Information Act.

(d) Notwithstanding any other provision of law to the contrary, a consumer seeking a payday loan may make a direct inquiry to the certified database provider to request a more detailed explanation of the basis

for a database's determination that the consumer is ineligible for a new payday loan.

(e) In certifying a commercially reasonable method of verification, the Division shall ensure that the database:

(1) provides real-time access through an Internet connection or, if real-time access through an Internet connection becomes unavailable to lenders due to a database provider's technical problems incurred by the database provider, through alternative verification mechanisms, including, but not limited to, verification by telephone;

(2) is accessible to the Division and to licensees in order to ensure compliance with this Act and in order to provide any other information that the Division deems necessary;

(3) requires licensees to input whatever information is required by the Division;

(4) maintains a real-time copy of the required reporting information that is available to the Division at all times and is the property of the Division;

(5) provides licensees only with a statement that a consumer is eligible or ineligible for a new payday loan and a description of the reason for the determination; and

(6) contains safeguards to ensure that all information contained in the database regarding consumers is kept strictly confidential.

(f) The licensee shall update the database by inputting all information required under item (3) of subsection (e):

(1) on the same day that a payday loan is made;

(2) on the same day that a consumer elects a repayment plan, as provided in Section 2-40; and

(3) on the same day that a consumer's payday loan is paid in full.

(g) A licensee may rely on the information contained in the certified database as accurate and is not subject to any administrative penalty or liability as a result of relying on inaccurate information contained in the database.

(h) The certified consumer reporting service shall indemnify the licensee against all claims and actions arising from illegal or willful or wanton acts on the part of the certified consumer reporting service.

Section 2-17. Consumer reporting services qualification and bonding.

(a) Each consumer reporting service shall have at all times a net worth of not less than \$1,000,000 calculated in accordance with generally accepted accounting principles.

(b) Each application for certification under this Act shall be accompanied by a surety bond acceptable to the Division in the amount of \$1,000,000. The surety bond shall be in a form satisfactory to the Division and shall run to the State of Illinois for the benefit of any claimants against the consumer reporting service to secure the faithful performance of its obligations under this Act. The aggregate liability of the surety may exceed the principal sum of the bond. Claimants against the consumer reporting service may themselves bring suit directly on the surety bond or the Division may bring suit on behalf of claimants, either in one action or in successive actions.

(c) The surety bond shall remain in effect until cancellation, which may occur only after 90 days' written notice to the Division. Cancellation shall not affect any liability incurred or accrued during that period.

(d) The surety bond shall remain in place for 5 years after the consumer reporting service ceases operation in the State.

(e) The surety bond proceeds and any cash or other collateral posted as security by a consumer reporting service shall be deemed by operation of law to be held in trust for any claimants under this Act in the event of the bankruptcy of the consumer reporting service.

(f) To the extent that any indemnity or fine exceeds the amount of the surety bond described under this Section, the consumer reporting service shall be liable for that amount.

(g) Each application for certification under this Act shall be accompanied by a nonrefundable investigation fee of \$2,500, together with an initial certification fee of \$1,000.

(h) On or before March 1 of each year, each consumer reporting service qualified under this Section shall pay to the Division a certification fee in the amount of \$1,000.

Section 2-20. Required disclosures.

(a) Before a payday loan is made, a lender shall deliver to the consumer a pamphlet prepared by the Director that:

(1) explains, in simple English and Spanish, all of the consumer's rights and responsibilities in a payday loan transaction;

(2) includes a toll-free number to the Director's office to handle concerns or provide information about whether a lender is licensed, whether complaints have been filed with the Director,

and the resolution of those complaints; and

(3) provides information regarding the availability of debt management services.

(b) Lenders shall provide consumers with a written agreement that may be kept by the consumer. The written agreement must include the following information in English and in the language in which the loan was negotiated:

(1) the name and address of the lender making the payday loan, and the name and title of the individual employee who signs the agreement on behalf of the lender;

(2) disclosures required by the federal Truth in Lending Act;

(3) a clear description of the consumer's payment obligations under the loan;

(4) the following statement, in at least 14-point bold type face: "You cannot be prosecuted in criminal court to collect this loan.". The information required to be disclosed under this subdivision (4) must be conspicuously disclosed in the loan document and shall be located immediately preceding the signature of the consumer; and

(5) the following statement, in at least 14-point bold type face:

"WARNING: This loan is not intended to meet long-term financial needs. This loan should be used only to meet short-term cash needs. The cost of your loan may be higher than loans offered by other lending institutions. This loan is regulated by the Department of Financial and Professional Regulation."

(c) The following notices in English and Spanish must be conspicuously posted by a lender in each location of a business providing payday loans:

(1) A notice that informs consumers that the lender cannot use the criminal process against a consumer to collect any payday loan.

(2) The schedule of all finance charges to be charged on loans with an example of the amounts that would be charged on a \$100 loan payable in 13 days and a \$400 loan payable in 30 days, giving the corresponding annual percentage rate.

(3) In one-inch bold type, a notice to the public in the lending area of each business location containing the following statement:

"WARNING: This loan is not intended to meet long-term financial needs. This loan should be used only to meet short-term cash needs. The cost of your loan may be higher than loans offered by other lending institutions. This loan is regulated by the Department of Financial and Professional Regulation."

(4) In one-inch bold type, a notice to the public in the lending area of each business location containing the following statement:

"INTEREST-FREE REPAYMENT PLAN: If you still owe on one or more payday loans after 35 days, you are entitled to enter into a repayment plan. The repayment plan will give you at least 56 days to repay your loan in installments with no additional finance charges, interest, fees, or other charges of any kind."

Section 2-25. Right to cancel future payment obligations. A consumer may cancel future payment obligations on a payday loan, without cost or finance charges, no later than the end of the second business day immediately following the day on which the payday loan agreement was executed. To cancel future payment obligations on a payday loan, the consumer must inform the lender in writing that the consumer wants to cancel the future payment obligations on the payday loan and must return the uncashed proceeds, check or cash, in an amount equal to the principal amount of the loan.

Section 2-30. Rollovers prohibited. Rollover of a payday loan by any lender is prohibited.

Section 2-35. Proceeds and payments.

(a) A lender may issue the proceeds of a loan in the form of a check drawn on the lender's bank account, in cash, by money order, by debit card, or by electronic funds transfer. When the proceeds are issued in the form of a check drawn on the lender's bank account, by money order, or by electronic funds transfer, the lender may not charge a fee for cashing the check, money order, or electronic funds transfer. When the proceeds are issued in cash, the lender must provide the consumer with written verification of the cash transaction and shall maintain a record of the transaction for at least 3 years.

(b) After each payment made in full or in part on any loan, the lender shall give the consumer making the payment either a signed, dated receipt or a signed, computer-generated receipt showing the amount paid and the balance due on the loan.

(c) Before a loan is made, the lender must provide the consumer, or each consumer if there is more than one, with a copy of the loan documents described in Section 2-20.

(d) The holder or assignee of any loan agreement or of any check written by a consumer in connection

with a payday loan takes the loan agreement or check subject to all claims and defenses of the consumer against the maker.

(e) Upon receipt of a check from a consumer for a loan, the lender must immediately stamp the back of the check with an endorsement that states: "This check is being negotiated as part of a loan under the Payday Loan Reform Act, and any holder of this check takes it subject to all claims and defenses of the maker."

(f) Loan payments may be electronically debited from the consumer's bank account. Except as provided by federal law, the lender must obtain prior written approval from the consumer.

(g) A consumer may prepay on a loan in increments of \$5 or more at any time without cost or penalty.

(h) A loan is made on the date on which a loan agreement is signed by both parties, regardless of whether the lender gives any moneys to the consumer on that date.

Section 2-40. Repayment plan.

(a) At the time a payday loan is made, the lender must provide the consumer with a separate written notice signed by the consumer of the consumer's right to request a repayment plan. The written notice must comply with the requirements of subsection (c).

(b) The loan agreement must include the following language in at least 14-point bold type: IF YOU STILL OWE ON ONE OR MORE PAYDAY LOANS AFTER 35 DAYS, YOU ARE ENTITLED TO ENTER INTO A REPAYMENT PLAN. THE REPAYMENT PLAN WILL GIVE YOU AT LEAST 56 DAYS TO REPAY YOUR LOAN IN INSTALLMENTS WITH NO ADDITIONAL FINANCE CHARGES, INTEREST, FEES, OR OTHER CHARGES OF ANY KIND.

(c) At the time a payday loan is made, on the first page of the loan agreement and in a separate document signed by the consumer, the following shall be inserted in at least 14-point bold type: I UNDERSTAND THAT IF I STILL OWE ON ONE OR MORE PAYDAY LOANS AFTER 35 DAYS, I AM ENTITLED TO ENTER INTO A REPAYMENT PLAN THAT WILL GIVE ME AT LEAST 56 DAYS TO REPAY THE LOAN IN INSTALLMENTS WITH NO ADDITIONAL FINANCE CHARGES, INTEREST, FEES, OR OTHER CHARGES OF ANY KIND.

(d) If the consumer has or has had one or more payday loans outstanding for 35 consecutive days, any payday loan outstanding on the 35th consecutive day shall be payable under the terms of a repayment plan as provided for in this Section, if the consumer requests the repayment plan. As to any loan that becomes eligible for a repayment plan under this subsection, the consumer has until 28 days after the default date of the loan to request a repayment plan. Within 48 hours after the request for a repayment plan is made, the lender must prepare the repayment plan agreement and both parties must execute the agreement. Execution of the repayment plan agreement shall be made in the same manner in which the loan was made and shall be evidenced in writing.

(e) The terms of the repayment plan for a payday loan must include the following:

(1) The lender may not impose any charge on the consumer for requesting or using a repayment plan. Performance of the terms of the repayment plan extinguishes the consumer's obligation on the loan.

(2) No lender shall charge the consumer any finance charges, interest, fees, or other charges of any kind, except a fee for insufficient funds, as provided under Section 2-10.

(3) The consumer shall be allowed to repay the loan in at least 4 equal installments with at least 13 days between installments, provided that the term of the repayment plan does not exceed 90 days. The first payment under the repayment plan shall not be due before at least 13 days after the repayment plan is signed by both parties. The consumer may prepay the amount due under the repayment plan at any time, without charge or penalty.

(4) The length of time between installments may be extended by the parties so long as the total period of repayment does not exceed 90 days. Any such modification must be in writing and signed by both parties.

(f) Notwithstanding any provision of law to the contrary, a lender is prohibited from making a payday loan to a consumer who has a payday loan outstanding under a repayment plan and for at least 14 days after the outstanding balance of the loan under the repayment plan and the outstanding balance of all other payday loans outstanding during the term of the repayment plan are paid in full.

(g) A lender may not accept postdated checks for payments under a repayment plan.

(h) Notwithstanding any provision of law to the contrary, a lender may voluntarily agree to enter into a repayment plan with a consumer at any time. If a consumer is eligible for a repayment plan under subsection (d), any repayment agreement constitutes a repayment plan under this Section and all provisions of this Section apply to that agreement.

Section 2-45. Default.

(a) No legal proceeding of any kind, including, but not limited to, a lawsuit or arbitration, may be filed or initiated against a consumer to collect on a payday loan until 28 days after the default date of the loan, or, in the case of a payday loan under a repayment plan, for 28 days after the default date under the terms of the repayment plan.

(b) Upon and after default, a lender shall not charge the consumer any finance charges, interest, fees, or charges of any kind, other than the insufficient fund fee described in Section 2-10.

Section 2-50. Practices concerning members of the military.

(a) A lender may not garnish the wages or salaries of a consumer who is a member of the military.

(b) In addition to any rights and obligations provided under the federal Servicemembers Civil Relief Act, a lender shall suspend and defer collection activity against a consumer who is a member of the military and who has been deployed to a combat or combat support posting for the duration of the deployment.

(c) A lender may not knowingly contact the military chain of command of a consumer who is a member of the military in an effort to collect on a payday loan.

(d) Lenders must honor the terms of any repayment plan that they have entered into with any consumer, including a repayment agreement negotiated through military counselors or third-party credit counselors.

Section 2-55. Information, reporting, and examination.

(a) A licensee shall keep and use books, accounts, and records that will enable the Director to determine if the licensee is complying with the provisions of this Act and maintain any other records as required by the Director.

(b) A licensee shall collect and maintain information annually for a report that shall disclose in detail and under appropriate headings:

- (1) the total number of payday loans made during the preceding calendar year;
- (2) the total number of payday loans outstanding as of December 31 of the preceding calendar year;
- (3) the minimum, maximum, and average dollar amount of payday loans made during the preceding calendar year;
- (4) the average annual percentage rate and the average term of payday loans made during the preceding calendar year; and
- (5) the total number of payday loans paid in full, the total number of loans that went into default, and the total number of loans written off during the preceding calendar year.

The report shall be verified by the oath or affirmation of the owner, manager, or president of the licensee. The report must be filed with the Director no later than March 1 of the year following the year for which the report discloses the information specified in this subsection (b). The Director may impose upon the licensee a fine of \$25 per day for each day beyond the filing deadline that the report is not filed.

(c) No later than July 31 of the second year following the effective date of this Act, the Division shall publish a biennial report that contains a compilation of aggregate data concerning the payday lending industry and shall make the report available to the Governor, the General Assembly, and the general public.

(d) The Division shall have the authority to conduct examinations of the books, records, and loan documents at any time.

Section 2-60. Advertising.

(a) Advertising for loans transacted under this Act may not be false, misleading, or deceptive. Payday loan advertising, if it states a rate or amount of charge for a loan, must state the rate as an annual percentage rate. No licensee may advertise in any manner so as to indicate or imply that its rates or charges for loans are in any way recommended, approved, set, or established by the State government or by this Act.

(b) If any advertisement to which this Section applies states the amount of any installment payment, the dollar amount of any finance charge, or the number of installments or the period of repayment, then the advertisement shall state all of the following items:

- (1) The amount of the loan.
- (2) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended.
- (3) The finance charge expressed as an annual percentage rate.

Article 3. Licensure

Section 3-3. Licensure requirement.

(a) Except as provided in subsection (b), on and after the effective date of this Act, a person or entity acting as a payday lender must be licensed by the Division as provided in this Article.

(b) A person or entity acting as a payday lender who is licensed on the effective date of this Act under

the Consumer Installment Loan Act need not comply with subsection (a) until the Division takes action on the person's or entity's application for a payday loan license. The application must be submitted to the Division within 9 months after the effective date of this Act. If the application is not submitted within 9 months after the effective date of this Act, the person or entity acting as a payday lender is subject to subsection (a).

Section 3-5. Licensure.

(a) A license to make a payday loan shall state the address, including city and state, at which the business is to be conducted and shall state fully the name of the licensee. The license shall be conspicuously posted in the place of business of the licensee and shall not be transferable or assignable.

(b) An application for a license shall be in writing and in a form prescribed by the Director. The Director may not issue a payday loan license unless and until the following findings are made:

(1) that the financial responsibility, experience, character, and general fitness of the applicant are such as to command the confidence of the public and to warrant the belief that the business will be operated lawfully and fairly and within the provisions and purposes of this Act; and

(2) that the applicant has submitted such other information as the Director may deem necessary.

(c) A license shall be issued for no longer than one year, and no renewal of a license may be provided if a licensee has substantially violated this Act and has not cured the violation to the satisfaction of the Division.

(d) A licensee shall appoint, in writing, the Director as attorney-in-fact upon whom all lawful process against the licensee may be served with the same legal force and validity as if served on the licensee. A copy of the written appointment, duly certified, shall be filed in the office of the Director, and a copy thereof certified by the Director shall be sufficient evidence to subject a licensee to jurisdiction in a court of law. This appointment shall remain in effect while any liability remains outstanding in this State against the licensee. When summons is served upon the Director as attorney-in-fact for a licensee, the Director shall immediately notify the licensee by registered mail, enclosing the summons and specifying the hour and day of service.

(e) A licensee must pay an annual fee of \$1,000. In addition to the license fee, the reasonable expense of any examination or hearing by the Director under any provisions of this Act shall be borne by the licensee. If a licensee fails to renew its license by December 31, its license shall automatically expire; however, the Director, in his or her discretion, may reinstate an expired license upon:

- (1) payment of the annual fee within 30 days of the date of expiration; and
- (2) proof of good cause for failure to renew.

(f) Not more than one place of business shall be maintained under the same license, but the Director may issue more than one license to the same licensee upon compliance with all the provisions of this Act governing issuance of a single license. The location, except those locations already in existence as of June 1, 2005, may not be within one mile of a horse race track subject to the Illinois Horse Racing Act of 1975, within one mile of a facility at which gambling is conducted under the Riverboat Gambling Act, within one mile of the location at which a riverboat subject to the Riverboat Gambling Act docks, or within one mile of any State of Illinois or United States military base or naval installation.

(g) No licensee shall conduct the business of making loans under this Act within any office, suite, room, or place of business in which any other business is solicited or engaged in unless the other business is licensed by the Division or, in the opinion of the Director, the other business would not be contrary to the best interests of consumers and is authorized by the Director in writing.

(h) The Director shall maintain a list of licensees that shall be available to interested consumers and lenders and the public. The Director shall maintain a toll-free number whereby consumers may obtain information about licensees. The Director shall also establish a complaint process under which an aggrieved consumer may file a complaint against a licensee or non-licensee who violates any provision of this Act.

Section 3-10. Closing of business; surrender of license. At least 10 days before a licensee ceases operations, closes the business, or files for bankruptcy, the licensee shall:

(1) Notify the Division of its intended action in writing.

(2) With the exception of filing for bankruptcy, surrender its license to the Director for cancellation. The surrender of the license shall not affect the licensee's civil or criminal liability for acts committed before or after the surrender or entitle the licensee to a return of any part of the annual license fee.

(3) Notify the Division of the location where the books, accounts, contracts, and

records will be maintained.

The accounts, books, records, and contracts shall be maintained and serviced by the licensee, by another licensee under this Act, or by the Division.

Article 4. Administrative Provisions

Section 4-5. Prohibited acts. A licensee or unlicensed person or entity making payday loans may not commit, or have committed on behalf of the licensee or unlicensed person or entity, any of the following acts:

- (1) Threatening to use or using the criminal process in this or any other state to collect on the loan.
- (2) Using any device or agreement that would have the effect of charging or collecting more fees or charges than allowed by this Act, including, but not limited to, entering into a different type of transaction with the consumer.
- (3) Engaging in unfair, deceptive, or fraudulent practices in the making or collecting of a payday loan.
- (4) Using or attempting to use the check provided by the consumer in a payday loan as collateral for a transaction not related to a payday loan.
- (5) Knowingly accepting payment in whole or in part of a payday loan through the proceeds of another payday loan provided by any licensee.
- (6) Knowingly accepting any security, other than that specified in the definition of payday loan in Section 1-10, for a payday loan.
- (7) Charging any fees or charges other than those specifically authorized by this Act.
- (8) Threatening to take any action against a consumer that is prohibited by this Act or making any misleading or deceptive statements regarding the payday loan or any consequences thereof.
- (9) Making a misrepresentation of a material fact by an applicant for licensure in obtaining or attempting to obtain a license.
- (10) Including any of the following provisions in loan documents required by subsection (b) of Section 2-20:
 - (A) a confession of judgment clause;
 - (B) a waiver of the right to a jury trial, if applicable, in any action brought by or against a consumer, unless the waiver is included in an arbitration clause allowed under subparagraph (C) of this paragraph (11);
 - (C) a mandatory arbitration clause that is oppressive, unfair, unconscionable, or substantially in derogation of the rights of consumers; or
 - (D) a provision in which the consumer agrees not to assert any claim or defense arising out of the contract.
- (11) Selling any insurance of any kind whether or not sold in connection with the making or collecting of a payday loan.
- (12) Taking any power of attorney.
- (13) Taking any security interest in real estate.
- (14) Collecting a delinquency or collection charge on any installment regardless of the period in which it remains in default.
- (15) Collecting treble damages on an amount owing from a payday loan.
- (16) Refusing, or intentionally delaying or inhibiting, the consumer's right to enter into a repayment plan pursuant to this Act.
- (17) Charging for, or attempting to collect, attorney's fees, court costs, or arbitration costs incurred in connection with the collection of a payday loan.
- (18) Making a loan in violation of this Act.
- (19) Garnishing the wages or salaries of a consumer who is a member of the military.
- (20) Failing to suspend or defer collection activity against a consumer who is a member of the military and who has been deployed to a combat or combat-support posting.
- (21) Contacting the military chain of command of a consumer who is a member of the military in an effort to collect on a payday loan.

Section 4-10. Enforcement and remedies.

- (a) The remedies provided in this Act are cumulative and apply to persons or entities subject to this Act.
- (b) Any material violation of this Act, including the commission of an act prohibited under Section 4-5, constitutes a violation of the Consumer Fraud and Deceptive Business Practices Act.
- (c) If any provision of the written agreement described in subsection (b) of Section 2-20 violates this

Act, then that provision is unenforceable against the consumer.

(d) Subject to the Illinois Administrative Procedure Act, the Director may hold hearings, make findings of fact, conclusions of law, issue cease and desist orders, have the power to issue fines of up to \$10,000 per violation, refer the matter to the appropriate law enforcement agency for prosecution under this Act, and suspend or revoke a license granted under this Act. All proceedings shall be open to the public.

(e) The Director may issue a cease and desist order to any licensee or other person doing business without the required license, when in the opinion of the Director the licensee or other person is violating or is about to violate any provision of this Act or any rule or requirement imposed in writing by the Division as a condition of granting any authorization permitted by this Act. The cease and desist order permitted by this subsection (e) may be issued prior to a hearing.

The Director shall serve notice of his or her action, including, but not limited to, a statement of the reasons for the action, either personally or by certified mail, return receipt requested. Service by certified mail shall be deemed completed when the notice is deposited in the U.S. mail.

Within 10 days of service of the cease and desist order, the licensee or other person may request a hearing in writing. The Director shall schedule a hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties.

If it is determined that the Director had the authority to issue the cease and desist order, he or she may issue such orders as may be reasonably necessary to correct, eliminate, or remedy the conduct.

The powers vested in the Director by this subsection (e) are additional to any and all other powers and remedies vested in the Director by law, and nothing in this subsection (e) shall be construed as requiring that the Director shall employ the power conferred in this subsection instead of or as a condition precedent to the exercise of any other power or remedy vested in the Director.

The cost for the administrative hearing under this subsection (e) shall be paid by the lender.

(f) The Director may, after 10 days notice by registered mail to the licensee at the address set forth in the license stating the contemplated action and in general the grounds therefore, fine the licensee an amount not exceeding \$10,000 per violation, or revoke or suspend any license issued hereunder if he or she finds that:

- (1) the licensee has failed to comply with any provision of this Act or any order, decision, finding, rule, regulation, or direction of the Director lawfully made pursuant to the authority of this Act; or
- (2) any fact or condition exists which, if it had existed at the time of the original application for the license, clearly would have warranted the Director in refusing to issue the license.

The Director may fine, suspend, or revoke only the particular license with respect to which grounds for the fine, revocation, or suspension occur or exist, but if the Director finds that grounds for revocation are of general application to all offices or to more than one office of the licensee, the Director shall fine, suspend, or revoke every license to which the grounds apply.

No revocation, suspension, or surrender of any license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and any obligor.

The Director may issue a new license to a licensee whose license has been revoked when facts or conditions which clearly would have warranted the Director in refusing originally to issue the license no longer exist.

In every case in which a license is suspended or revoked or an application for a license or renewal of a license is denied, the Director shall serve the licensee with notice of his or her action, including a statement of the reasons for his or her actions, either personally, or by certified mail, return receipt requested. Service by certified mail shall be deemed completed when the notice is deposited in the U.S. Mail.

An order assessing a fine, an order revoking or suspending a license, or an order denying renewal of a license shall take effect upon service of the order unless the licensee requests a hearing, in writing, within 10 days after the date of service. In the event a hearing is requested, the order shall be stayed until a final administrative order is entered.

If the licensee requests a hearing, the Director shall schedule a hearing within 30 days after the request for a hearing unless otherwise agreed to by the parties.

The hearing shall be held at the time and place designated by the Director. The Director and any administrative law judge designated by him or her shall have the power to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of books, papers, correspondence, and other records or information that he or she considers relevant or material to the inquiry.

The costs for the administrative hearing shall be paid by the lender.

Section 4-15. Bonding.

(a) A person or entity engaged in making payday loans under this Act shall post a bond to the Division in the amount of \$50,000 for each location where loans will be made, up to a maximum bond amount of \$500,000.

(b) A bond posted under subsection (a) must continue in effect for the period of licensure and for 3 additional years if the bond is still available. The bond must be available to pay damages and penalties to a consumer harmed by a violation of this Act.

(c) From time to time the Director may require a licensee to file a bond in an additional sum if the Director determines it to be necessary. In no case shall the bond be more than the outstanding liabilities of the licensee.

Section 4-20. Preemption of administrative rules. Any administrative rule promulgated prior to the effective date of this Act by the Division regarding payday loans is preempted.

Section 4-25. Reporting of violations. The Division shall report to the Attorney General all material violations of this Act of which it becomes aware.

Section 4-30. Rulemaking; industry review.

(a) The Division may make and enforce such reasonable rules, regulations, directions, orders, decisions, and findings as the execution and enforcement of the provisions of this Act require, and as are not inconsistent therewith. All rules, regulations, and directions of a general character shall be printed and copies thereof mailed to all licensees.

(b) Within 6 months after the effective of this Act, the Department of Financial and Professional Regulation shall promulgate reasonable rules regarding the issuance of payday loans by banks, savings banks, savings and loan associations, credit unions, and insurance companies. These rules shall be consistent with this Act and shall be limited in scope to the actual products and services offered by lenders governed by this Act.

(c) After the effective date of this Act, the Division shall, over a 3-year period, conduct a study of the payday loan industry to determine the impact and effectiveness of this Act. The Division shall report its findings to the General Assembly within 3 months of the third anniversary of the effective date of this Act. The study shall determine the effect of this Act on the protection of consumers in this State and on the fair and reasonable regulation of the payday loan industry. The study shall include, but shall not be limited to, an analysis of the ability of the industry to use private reporting tools that:

(1) ensure substantial compliance with this Act, including real time reporting of outstanding payday loans; and

(2) provide data to the Division in an appropriate form and with appropriate content to allow the Division to adequately monitor the industry.

The report of the Division shall, if necessary, identify and recommend specific amendments to this Act to further protect consumers and to guarantee fair and reasonable regulation of the payday loan industry.

Section 4-35. Judicial review. All final administrative decisions of the Division under this Act are subject to judicial review pursuant to the provisions of the Administrative Review Law and any rules adopted pursuant thereto.

Section 4-40. No waivers. There shall be no waiver of any provision of this Act.

Section 4-45. Superiority of Act. To the extent this Act conflicts with any other State financial regulation laws, this Act is superior and supersedes those laws for the purposes of regulating payday loans in Illinois, provided that nothing herein shall apply to any lender that is a bank, savings bank, savings and loan association, credit union, or insurance company organized, chartered, or holding a certificate of authority to do business under the laws of this State or any other state or under the laws of the United States.

Section 4-50. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Article 90. Amendatory Provisions

Section 90-3. The Freedom of Information Act is amended by changing Section 7 as follows:

(5 ILCS 140/7) (from Ch. 116, par. 207)

Sec. 7. Exemptions.

(1) The following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law.

(b) Information that, if disclosed, would constitute a clearly unwarranted invasion of

personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (b) shall include but is not limited to:

(i) files and personal information maintained with respect to clients, patients, residents, students or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies;

(ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions;

(iii) files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;

(iv) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute;

(v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies; provided, however, that identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided by agencies of local government, except in a case for which a criminal investigation is ongoing, without constituting a clearly unwarranted per se invasion of personal privacy under this subsection; and

(vi) the names, addresses, or other personal information of participants and registrants in park district, forest preserve district, and conservation district programs.

(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(ii) interfere with pending administrative enforcement proceedings conducted by any public body;

(iii) deprive a person of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;

(vi) constitute an invasion of personal privacy under subsection (b) of this Section;

(vii) endanger the life or physical safety of law enforcement personnel or any other person; or

(viii) obstruct an ongoing criminal investigation.

(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;

(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;

(iii) court records that are public;

(iv) records that are otherwise available under State or local law; or

(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative

or intelligence purposes.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including all information determined to be confidential under Section 4002 of the Technology Advancement and Development Act. Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

(j) Test questions, scoring keys and other examination data used to administer an academic examination or determine the qualifications of an applicant for a license or employment.

(k) Architects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, but only to the extent that disclosure would compromise security, including but not limited to water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated, or occupied buildings.

(l) Library circulation and order records identifying library users with specific materials.

(m) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(n) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(o) Information received by a primary or secondary school, college or university under its procedures for the evaluation of faculty members by their academic peers.

(p) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(q) Documents or materials relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(r) Drafts, notes, recommendations and memoranda pertaining to the financing and marketing transactions of the public body. The records of ownership, registration, transfer, and exchange of municipal debt obligations, and of persons to whom payment with respect to these obligations is made.

(s) The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under Article VII of the Code of Civil Procedure, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

(t) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool.

(u) Information concerning a university's adjudication of student or employee grievance or disciplinary cases, to the extent that disclosure would reveal the identity of the student or employee and information concerning any public body's adjudication of student or employee grievances or disciplinary cases, except for the final outcome of the cases.

(v) Course materials or research materials used by faculty members.

(w) Information related solely to the internal personnel rules and practices of a public body.

(x) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law.

(y) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(z) Manuals or instruction to staff that relate to establishment or collection of liability for any State tax or that relate to investigations by a public body to determine violation of any criminal law.

(aa) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(bb) Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

(cc) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.

(dd) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(ee) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(ff) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(gg) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(hh) Information the disclosure of which is exempted under the State Officials and Employees Ethics Act.

(ii) Beginning July 1, 1999, information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

(jj) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(kk) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(ll) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could

reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

(mm) Maps and other records regarding the location or security of a utility's generation, transmission, distribution, storage, gathering, treatment, or switching facilities.

(nn) Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code.

(oo) Records and information provided to a residential health care facility resident sexual assault and death review team or the Residential Health Care Facility Resident Sexual Assault and Death Review Teams Executive Council under the Residential Health Care Facility Resident Sexual Assault and Death Review Team Act.

(pp) Information contained in the database certified by the Division of Financial Institutions of the Department of Financial and Professional Regulation in accordance with Section 2-15 of the Payday Loan Reform Act.

(2) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act.

(Source: P.A. 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff. 7-11-02; 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff. 8-21-03; 93-617, eff. 12-9-03.)

Section 90-5. The Financial Institutions Code is amended by changing Sections 4 and 6 as follows:

(20 ILCS 1205/4) (from Ch. 17, par. 104)

Sec. 4. As used in this Act:

(a) "Department" means the Department of Financial Institutions.

(b) "Director" means the Director of Financial Institutions.

(c) "Person" means any individual, partnership, joint venture, trust, estate, firm, corporation, association or cooperative society or association.

(d) "Financial institutions" means ambulatory and community currency exchanges, credit unions, guaranteed credit unions, persons engaged in the business of transmitting money to foreign countries or buying and selling foreign money, pawnors' societies, title insuring or guaranteeing companies, and persons engaged in the business of making loans of \$800 or less, all as respectively defined in the laws referred to in Section 6 of this Act. The term includes sales finance agencies, as defined in the "Sales Finance Agency Act", enacted by the 75th General Assembly.

(e) "Payday loan" has the meaning ascribed to that term in the Payday Loan Reform Act.

(Source: Laws 1967, p. 2211.)

(20 ILCS 1205/6) (from Ch. 17, par. 106)

Sec. 6. In addition to the duties imposed elsewhere in this Act, the Department has the following powers:

(1) To exercise the rights, powers and duties vested by law in the Auditor of Public Accounts under "An Act to provide for the incorporation, management and regulation of pawnors' societies and limiting the rate of compensation to be paid for advances, storage and insurance on pawns and pledges and to allow the loaning of money upon personal property", approved March 29, 1899, as amended.

(2) To exercise the rights, powers and duties vested by law in the Auditor of Public Accounts under "An Act in relation to the definition, licensing and regulation of community currency exchanges and ambulatory currency exchanges, and the operators and employees thereof, and to make an appropriation therefor, and to provide penalties and remedies for the violation thereof", approved June 30, 1943, as amended.

(3) To exercise the rights, powers, and duties vested by law in the Auditor of Public Accounts under "An Act in relation to the buying and selling of foreign exchange and the transmission or transfer of money to foreign countries", approved June 28, 1923, as amended.

(4) To exercise the rights, powers, and duties vested by law in the Auditor of Public Accounts under "An Act to provide for and regulate the business of guaranteeing titles to real estate by corporations", approved May 13, 1901, as amended.

(5) To exercise the rights, powers and duties vested by law in the Department of Insurance under "An Act to define, license, and regulate the business of making loans of eight hundred dollars or less, permitting an interest charge thereon greater than otherwise allowed by law, authorizing and regulating the assignment of wages or salary when taken as security for any such loan or as consideration for a payment of eight hundred dollars or less, providing penalties, and to repeal Acts therein named", approved July 11, 1935, as

amended.

(6) To administer and enforce "An Act to license and regulate the keeping and letting of safety deposit boxes, safes, and vaults, and the opening thereof, and to repeal a certain Act therein named", approved June 13, 1945, as amended.

(7) Whenever the Department is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish, pursuant to positive identification, such information contained in State files as is necessary to fulfill the request.

(8) To administer the Payday Loan Reform Act.

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

Section 90-10. The Consumer Installment Loan Act is amended by changing Section 21 as follows:

(205 ILCS 670/21) (from Ch. 17, par. 5427)

Sec. 21. Application of act. This Act does not apply to any person, partnership, association, limited liability company, or corporation doing business under and as permitted by any law of this State or of the United States relating to banks, savings and loan associations, savings banks, credit unions, or licensees under the Residential Mortgage License Act for residential mortgage loans made pursuant to that Act. This Act does not apply to business loans. This Act does not apply to payday loans.

(Source: P.A. 90-437, eff. 1-1-98.)

Section 90-15. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, the Payday Loan Reform Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code, or the Automatic Contract Renewal Act commits an unlawful practice within the meaning of this Act.

(Source: P.A. 92-426, eff. 1-1-02; 93-561, eff. 1-1-04; 93-950, eff. 1-1-05.)

Article 99. Effective Date

Section 99. Effective date. This Act takes effect 90 days after becoming law."

The foregoing motion prevailed and Amendment No. 4 was adopted.

There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 1999. Having been reproduced, was taken up and read by title a second time.

Representative Jefferson offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 1999 by replacing everything after the enacting clause with the following:

"Section 5. The Critical Health Problems and Comprehensive Health Education Act is amended by changing Section 3 as follows:

(105 ILCS 110/3) (from Ch. 122, par. 863)

Sec. 3. Comprehensive Health Education Program. The program established under this Act shall include, but not be limited to, the following major educational areas as a basis for curricula in all elementary and secondary schools in this State: human ecology and health, human growth and development, the emotional, psychological, physiological, hygienic and social responsibilities of family life, including sexual abstinence until marriage, prevention and control of disease, including instruction in grades 6 through 12 on the

prevention, transmission and spread of AIDS, public and environmental health, consumer health, safety education and disaster survival, mental health and illness, personal health habits, alcohol, drug use, and abuse including the medical and legal ramifications of alcohol, drug, and tobacco use, abuse during pregnancy, sexual abstinence until marriage, tobacco, nutrition, and dental health. Notwithstanding the above educational areas, the following areas may also be included as a basis for curricula in all elementary and secondary schools in this State: basic first aid (including, but not limited to, cardiopulmonary resuscitation and the Heimlich maneuver), early prevention and detection of cancer, heart disease, diabetes, stroke, and the prevention of child abuse, neglect, and suicide. The school board of each public elementary and secondary school in the State shall require all teachers and other school personnel to acquire, develop, and maintain the knowledge and skills necessary to properly administer cardiopulmonary resuscitation. The school board of each public elementary and secondary school in the State shall encourage all teachers and other school personnel to acquire, develop, and maintain the knowledge and skills necessary to properly administer other life-saving techniques, including without limitation the Heimlich maneuver and rescue breathing. The training shall be in accordance with standards of the American Red Cross, the American Heart Association, or another nationally recognized certifying organization. A school board may use the services of non-governmental entities whose personnel have expertise in life-saving techniques to instruct teachers and other school personnel in these techniques. Each school board is encouraged to have in its employ, or on its volunteer staff, at least one person who is certified, by the American Red Cross or by another qualified certifying agency, as qualified to administer first aid ~~and cardiopulmonary resuscitation~~. In addition, each school board is authorized to allocate appropriate portions of its institute or inservice days to conduct training programs for teachers and other school personnel who have expressed an interest in becoming qualified to administer emergency first aid or who are required to become qualified to administer cardiopulmonary resuscitation. School boards are urged to encourage their teachers and other school personnel who coach school athletic programs and other extracurricular school activities to acquire, develop, and maintain the knowledge and skills necessary to properly administer first aid ~~and cardiopulmonary resuscitation~~ in accordance with standards and requirements established by the American Red Cross or another qualified certifying agency. No pupil shall be required to take or participate in any class or course on AIDS or family life instruction if his parent or guardian submits written objection thereto, and refusal to take or participate in the course or program shall not be reason for suspension or expulsion of the pupil.

Curricula developed under programs established in accordance with this Act in the major educational area of alcohol and drug use and abuse shall include classroom instruction in grades 5 through 12. The instruction, which shall include matters relating to both the physical and legal effects and ramifications of drug and substance abuse, shall be integrated into existing curricula; and the State Board of Education shall develop and make available to all elementary and secondary schools in this State instructional materials and guidelines which will assist the schools in incorporating the instruction into their existing curricula. In addition, school districts may offer, as part of existing curricula during the school day or as part of an after school program, support services and instruction for pupils or pupils whose parent, parents, or guardians are chemically dependent.

(Source: P.A. 92-23, eff. 7-1-01.)".

The foregoing motion prevailed and Amendment No. 1 was adopted.

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

HOUSE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Dunkin, HOUSE BILL 956 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 109, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 12)

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

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

HOUSE BILL ON SECOND READING

HOUSE BILL 2900. Having been reproduced, was taken up and read by title a second time. Representative McAuliffe offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2900 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Criminal Procedure of 1963 is amended by changing Section 110-4 and by adding Section 110-6.4 as follows:

(725 ILCS 5/110-4) (from Ch. 38, par. 110-4)

Sec. 110-4. Bailable Offenses.

(a) All persons shall be bailable before conviction, except the following offenses where the proof is evident or the presumption great that the defendant is guilty of the offense: capital offenses; offenses for which a sentence of life imprisonment may be imposed as a consequence of conviction; felony offenses for which a sentence of imprisonment, without conditional and revocable release, shall be imposed by law as a consequence of conviction, where the court after a hearing, determines that the release of the defendant would pose a real and present threat to the physical safety of any person or persons; stalking or aggravated stalking, where the court, after a hearing, determines that the release of the defendant would pose a real and present threat to the physical safety of the alleged victim of the offense and denial of bail is necessary to prevent fulfillment of the threat upon which the charge is based; or unlawful use of weapons in violation of item (4) of subsection (a) of Section 24-1 of the Criminal Code of 1961 when that offense occurred in a school or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school, where the court, after a hearing, determines that the release of the defendant would pose a real and present threat to the physical safety of any person and denial of bail is necessary to prevent fulfillment of that threat; or an offense for which the person, upon conviction, would be subject to registration under the Arsonist Registration Act if the person has previously been convicted of any of the following offenses: (i) arson, (ii) aggravated arson, (iii) residential arson, (iv) place of worship arson, (v) possession of explosives or explosive or incendiary devices, or (vi) an attempt to commit any of these offenses and if the the court, after a hearing, determines that the release of the defendant would pose a real and present threat to the physical safety of any person and denial of bail is necessary to prevent fulfillment of that threat.

(b) A person seeking release on bail who is charged with a capital offense or an offense for which a sentence of life imprisonment may be imposed shall not be bailable until a hearing is held wherein such person has the burden of demonstrating that the proof of his guilt is not evident and the presumption is not great.

(c) Where it is alleged that bail should be denied to a person upon the grounds that the person presents a real and present threat to the physical safety of any person or persons, the burden of proof of such allegations shall be upon the State.

(d) When it is alleged that bail should be denied to a person charged with stalking or aggravated stalking upon the grounds set forth in Section 110-6.3 of this Code, the burden of proof of those allegations shall be upon the State.

(e) When it is alleged that bail should be denied to a person charged with arson, aggravated arson, residential arson, place of worship arson, possession of explosives or explosive or incendiary devices, or an attempt to commit any of these offenses upon the grounds set forth in Section 110-6.4 of this Code, the burden of proof of those allegations shall be upon the State.

(Source: P.A. 91-11, eff. 6-4-99.)

(725 ILCS 5/110-6.4 new)

Sec. 110-6.4. Denial of bail for certain arson offenses.

(a) Upon verified petition by the State, the court shall hold a hearing to determine whether bail should be denied to a defendant who is charged with an offense for which the person, upon conviction, would be subject to registration under the Arsonist Registration Act if the person has previously been convicted of any of the following offenses: (i) arson, (ii) aggravated arson, (iii) residential arson, (iv) place of worship

arson, (v) possession of explosives or explosive or incendiary devices, or (vi) an attempt to commit any of these offenses, when it is alleged that the defendant's admission to bail poses a real and present threat to the physical safety of any person, and denial of release on bail or personal recognizance is necessary to prevent fulfillment of the threat upon which the charge is based.

(1) A petition may be filed without prior notice to the defendant at the first appearance before a judge, or within 21 calendar days, except as provided in Section 110-6, after arrest and release of the defendant upon reasonable notice to the defendant; provided that while the petition is pending before the court, the defendant if previously released shall not be detained.

(2) The hearing shall be held immediately upon the defendant's appearance before the court, unless for good cause shown the defendant or the State seeks a continuance. A continuance on motion of the defendant may not exceed 5 calendar days, and the defendant may be held in custody during the continuance. A continuance on the motion of the State may not exceed 3 calendar days.

(b) The court may deny bail to the defendant when, after the hearing, it is determined that:

(1) the proof is evident or the presumption great that the defendant has committed the offense of arson, aggravated arson, residential arson, place of worship arson, possession of explosives or explosive or incendiary devices, or an attempt to commit any of these offenses; and

(2) the defendant poses a real and present threat to the physical safety of any person; and

(3) the denial of release on bail or personal recognizance is necessary to prevent fulfillment of the threat upon which the charge is based; and

(4) the court finds that no condition or combination of conditions set forth in subsection (b) of Section 110-10 of this Code, including mental health treatment at a community mental health center, hospital, or facility of the Department of Human Services, can reasonably assure the physical safety of any person.

(c) Conduct of the hearings.

(1) The hearing on the defendant's culpability and threat to the public shall be conducted in accordance with the following provisions:

(A) Information used by the court in its findings or stated in or offered at the hearing may be by way of proffer based upon reliable information offered by the State or by defendant. The defendant has the right to be represented by counsel, and if he or she is indigent, to have counsel appointed for him or her. The defendant shall have the opportunity to testify, to present witnesses in his or her own behalf, and to cross-examine witnesses if any are called by the State. The defendant has the right to present witnesses in his or her favor. When the ends of justice so require, the court may exercise its discretion and compel the appearance of a complaining witness. The court shall state on the record reasons for granting a defense request to compel the presence of a complaining witness. Cross-examination of a complaining witness at the pretrial detention hearing for the purpose of impeaching the witness' credibility is insufficient reason to compel the presence of the witness. In deciding whether to compel the appearance of a complaining witness, the court shall be considerate of the emotional and physical well-being of the witness. The pretrial detention hearing is not to be used for the purposes of discovery, and the post arraignment rules of discovery do not apply. The State shall tender to the defendant, prior to the hearing, copies of defendant's criminal history, if any, if available, and any written or recorded statements and the substance of any oral statements made by any person, if relied upon by the State. The rules concerning the admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing. At the trial concerning the offense for which the hearing was conducted neither the finding of the court nor any transcript or other record of the hearing shall be admissible in the State's case in chief, but shall be admissible for impeachment, or as provided in Section 115-10.1 of this Code, or in a perjury proceeding.

(B) A motion by the defendant to suppress evidence or to suppress a confession shall not be entertained. Evidence that proof may have been obtained as the result of an unlawful search and seizure or through improper interrogation is not relevant to this state of the prosecution.

(2) The facts relied upon by the court to support a finding that:

(A) the defendant poses a real and present threat to the physical safety of any person; and

(B) the denial of release on bail or personal recognizance is necessary to prevent fulfillment of the threat upon which the charge is based;

shall be supported by clear and convincing evidence presented by the State.

(d) Factors to be considered in making a determination of the threat to the public. The court may, in determining whether the defendant poses, at the time of the hearing, a real and present threat to the physical safety of any person, consider but shall not be limited to evidence or testimony concerning:

(1) the nature and circumstances of the offense charged;

(2) the history and characteristics of the defendant including:

(A) any evidence of the defendant's prior criminal history indicative of violent, abusive or assaultive behavior, or lack of that behavior. The evidence may include testimony or documents received in juvenile proceedings, criminal, quasi-criminal, civil commitment, domestic relations or other proceedings;

(B) any evidence of the defendant's psychological, psychiatric or other similar social history that tends to indicate a violent, abusive, or assaultive nature, or lack of any such history.

(3) the nature of the threat which is the basis of the charge against the defendant;

(4) any statements made by, or attributed to the defendant, together with the circumstances surrounding them;

(5) whether the defendant is known to possess or have access to any weapon or weapons;

(6) whether, at the time of the current offense or any other offense or arrest, the defendant was on probation, parole, mandatory supervised release or other release from custody pending trial, sentencing, appeal or completion of sentence for an offense under federal or state law;

(7) any other factors, including those listed in Section 110-5 of this Code, deemed by the court to have a reasonable bearing upon the defendant's propensity or reputation for violent, abusive or assaultive behavior, or lack of that behavior.

(e) The court shall, in any order denying bail to a person charged with arson, aggravated arson, residential arson, place of worship arson, possession of explosives or explosive or incendiary devices, or an attempt to commit any of these offenses:

(1) briefly summarize the evidence of the defendant's culpability and its reasons for concluding that the defendant should be held without bail;

(2) direct that the defendant be committed to the custody of the sheriff for confinement in the county jail pending trial;

(3) direct that the defendant be given a reasonable opportunity for private consultation with counsel, and for communication with others of his choice by visitation, mail and telephone; and

(4) direct that the sheriff deliver the defendant as required for appearances in connection with court proceedings.

(f) If the court enters an order for the detention of the defendant under subsection (e) of this Section, the defendant shall be brought to trial on the offense for which he or she is detained within 90 days after the date on which the order for detention was entered. If the defendant is not brought to trial within the 90 day period required by this subsection (f), he or she shall not be held longer without bail. In computing the 90 day period, the court shall omit any period of delay resulting from a continuance granted at the request of the defendant. The court shall immediately notify the alleged victim of the offense that the defendant has been admitted to bail under this subsection.

(g) Any person shall be entitled to appeal any order entered under this Section denying bail to the defendant.

(h) The State may appeal any order entered under this Section denying any motion for denial of bail.

(i) Nothing in this Section shall be construed as modifying or limiting in any way the defendant's presumption of innocence in further criminal proceedings."

The foregoing motion prevailed and Amendment No. 1 was adopted.

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

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Millner, HOUSE BILL 2943 was taken up and read by title a third time.

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

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

(ROLL CALL 13)

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

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

On motion of Representative Jerry Mitchell, HOUSE BILL 2920 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 109, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 14)

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

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

On motion of Representative Moffitt, HOUSE BILL 2550 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 109, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 15)

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

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

On motion of Representative Bill Mitchell, HOUSE BILL 27 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 109, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 16)

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

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

On motion of Representative Myers, HOUSE BILL 920 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 108, Yeas; 1, Nay; 0, Answering Present.

(ROLL CALL 17)

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

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

On motion of Representative Joyce, HOUSE BILL 1005 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 109, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 18)

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

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

On motion of Representative Jones, HOUSE BILL 2480 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 108, Yeas; 0, Nays; 1, Answering Present.

(ROLL CALL 19)

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

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

On motion of Representative Pihos, HOUSE BILL 3457 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 109, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 20)

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

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

On motion of Representative Joyce, HOUSE BILL 918 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 109, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 21)

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

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

HOUSE BILL ON SECOND READING

HOUSE BILL 4052. Having been read by title a second time on April 5, 2005, and held on the order of Second Reading, the same was again taken up.

Representative Reis offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 4052 on page 1, by replacing lines 18 through 21 with the following:

"(c) For purposes of this Section, "viability" means that stage of fetal development when there is a reasonable likelihood of sustained survival of the fetus outside the womb, with or without artificial support."

The foregoing motion prevailed and Amendment No. 1 was adopted.

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

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Mautino, HOUSE BILL 3577 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 109, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 22)

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

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

On motion of Representative Mautino, HOUSE BILL 4025 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 109, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 23)

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

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

On motion of Representative McKeon, HOUSE BILL 1368 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: 73, Yeas; 35, Nays; 1, Answering Present.

(ROLL CALL 24)

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

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

HOUSE BILLS ON SECOND READING

HOUSE BILL 341. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Agriculture & Conservation, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 341 by replacing everything after the enacting clause with the following:

"Section 5. The Firearm Owners Identification Card Act is amended by changing Sections 1.1, 3, 3.1, 3a, and 5 as follows:

(430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

Sec. 1.1. For purposes of this Act:

"Counterfeit" means to copy or imitate, without legal authority, with intent to deceive.

"Federally licensed firearm dealer" means a person who is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

- (1) any pneumatic gun, spring gun, paint ball gun or B-B gun which either expels a single globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors;
- (2) any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
- (3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and
- (4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

- (1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and
- (2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

"Gun show" means an event or function:

(1) at which the sale and transfer of firearms is the regular and normal course of business where 50 or more firearms are displayed, offered, or exhibited for sale, transfer, or exchange; or

(2) not less than 5 gun show vendors display, offer, or exhibit for sale, sell, transfer, or exchange firearms.

"Gun show" includes the entire premises provided for an event or function, including parking areas for the event or function, that is sponsored to facilitate the purchase, sale, transfer, or exchange of firearms as described in this Section.

"Gun show" does not include training or safety classes, competitive shooting events, such as rifle,

shotgun, or handgun matches, trap, skeet, or sporting clays shoots, dinners, banquets, raffles, or any other event where the sale or transfer of firearms is not the primary course of business.

"Gun show promoter" means a person who organizes or operates a gun show.

"Gun show vendor" means a person who exhibits, sells, offers for sale, transfers, or exchanges any firearms at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

"Sanctioned competitive shooting event" means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight-in or practice conducted in conjunction with the event.

(Source: P.A. 91-357, eff. 7-29-99; 92-414, eff. 1-1-02.)

(430 ILCS 65/3) (from Ch. 38, par. 83-3)

Sec. 3. (a) Except as provided in Section 3a, no person may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of State Police under the provisions of this Act. In addition, all firearm transfers by federally licensed firearm dealers are subject to Section 3.1.

(a-5) Any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm while that person is on the grounds of a gun show must, before selling or transferring the firearm, request the Department of State Police to conduct a background check on the prospective recipient of the firearm in accordance with Section 3.1.

(b) Any person within this State who transfers or causes to be transferred any firearm shall keep a record of such transfer for a period of 10 years from the date of transfer. Such record shall contain the date of the transfer; the description, serial number or other information identifying the firearm if no serial number is available; and, if the transfer was completed within this State, the transferee's Firearm Owner's Identification Card number. On demand of a peace officer such transferor shall produce for inspection such record of transfer. If the transfer or sale took place at a gun show, the record shall include the unique identification number. Failure to record the unique identification number is a petty offense.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act.

(Source: P.A. 92-442, eff. 8-17-01.)

(430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

Sec. 3.1. Dial up system.

(a) The Department of State Police shall provide a dial up telephone system or utilize other existing technology which shall be used by any federally licensed firearm dealer, gun show promoter, or gun show vendor who is to transfer a firearm under the provisions of this Act. The Department of State Police shall utilize existing technology which allows the caller to be charged a fee equivalent to the cost of providing this service but not to exceed \$2. Fees collected by the Department of State Police shall be deposited in the State Police Services Fund and used to provide the service.

(b) Upon receiving a request from a federally licensed firearm dealer, gun show promoter, or gun show vendor, the Department of State Police shall immediately approve, or within the time period established by Section 24-3 of the Criminal Code of 1961 regarding the delivery of firearms, notify the inquiring dealer, gun show promoter, or gun show vendor of any objection that would disqualify the transferee from acquiring or possessing a firearm. In conducting the inquiry, the Department of State Police shall initiate and complete an automated search of its criminal history record information files and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System, and of the files of the Department of Human Services relating to mental health and developmental disabilities to obtain any felony conviction or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid Firearm Owner's Identification Card.

(c) If receipt of a firearm would not violate Section 24-3 of the Criminal Code of 1961, federal law, or this Act the Department of State Police shall:

(1) assign a unique identification number to the transfer;

(2) provide the licensee, gun show promoter, or gun show vendor with the number; and

(3) destroy all records of the system with respect to the call, other than the identifying number and the date the number was assigned, and all records of the system relating to the person or the transfer within 90 days.

(d) The Department may not retain, copy, or distribute any information previously collected under this Section, except for any investigation of a forcible felony or a violation of Section 24-3A or 24-3.1 of the

Criminal Code of 1961. Any records generated under this Section shall comply with subsection (c).

(e) If the transfer of a firearm is denied by the Department of State Police, the Department may keep the records of a denial until the denial is appealed and overturned, or as long as necessary for a criminal prosecution.

(f) Approvals issued by the Department of State Police for the purchase of a firearm are valid for 30 days from the date of issue.

(g) The Department of State Police must act as the Illinois Point of Contact for the National Instant Criminal Background Check System.

(h) The Department of State Police shall promulgate rules not inconsistent with this Section to implement this system.

(Source: P.A. 91-399, eff. 7-30-99.)

(430 ILCS 65/3a) (from Ch. 38, par. 83-3a)

Sec. 3a. (a) Any resident of Illinois who has obtained a firearm owner's identification card pursuant to this Act and who is not otherwise prohibited from obtaining, possessing or using a firearm may purchase or obtain a rifle or shotgun or ammunition for a rifle or shotgun in Iowa, Missouri, Indiana, Wisconsin or Kentucky.

(b) Any resident of Iowa, Missouri, Indiana, Wisconsin or Kentucky or a non-resident with a valid non-resident hunting license, who is 18 years of age or older and who is not prohibited by the laws of Illinois, the state of his domicile, or the United States from obtaining, possessing or using a firearm, may purchase or obtain a rifle, shotgun or ammunition for a rifle or shotgun in Illinois.

(b-5) Any non-resident who is participating in a sanctioned competitive shooting event, who is 18 years of age or older and who is not prohibited by the laws of Illinois, the state of his or her domicile, or the United States from obtaining, possessing, or using a firearm, may purchase or obtain a shotgun or shotgun ammunition in Illinois for the purpose of participating in that event. A person may purchase or obtain a shotgun or shotgun ammunition under this subsection only at the site where the sanctioned competitive shooting event is being held.

~~For purposes of this subsection, "sanctioned competitive shooting event" means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight in or practice conducted in conjunction with the event.~~

(c) Any transaction under this Section is subject to the provisions of the Gun Control Act of 1968 (18 U.S.C. 922 (b)(3)).

(Source: P.A. 92-528, eff. 2-8-02.)

(430 ILCS 65/5) (from Ch. 38, par. 83-5)

Sec. 5. The Department of State Police shall either approve or deny all applications within 30 days from the date they are received, and every applicant found qualified pursuant to Section 8 of this Act by the Department shall be entitled to a Firearm Owner's Identification Card upon the payment of a \$5 fee. \$3 of each fee derived from the issuance of Firearm Owner's Identification Cards, or renewals thereof, shall be deposited in the Wildlife and Fish Fund in the State Treasury; \$1 of such fee shall be deposited in the State Police Services Fund ~~General Revenue Fund in the State Treasury~~ and \$1 of such fee shall be deposited in the Firearm Owner's Notification Fund. Monies in the Firearm Owner's Notification Fund shall be used exclusively to pay for the cost of sending notices of expiration of Firearm Owner's Identification Cards under Section 13.2 of this Act. Excess monies in the Firearm Owner's Notification Fund shall be used to ensure the prompt and efficient processing of applications received under Section 4 of this Act.

(Source: P.A. 84-1426.)

Section 10. The Criminal Code of 1961 is amended by adding Section 24-11 as follows:

(720 ILCS 5/24-11 new)

Sec. 24-11. Home rule preemption.

(a) The provisions of any ordinance or resolution adopted before, on, or after the effective date of this amendatory Act of the 94th General Assembly by any unit of local government that imposes restrictions or limitations on the acquisition, possession, transportation, storage, purchase, sale, or other dealing in firearms and ammunition, components, accessories, and accoutrements of firearms in a manner other than those that are imposed by Sections 24-1.1, 24-1.5, 24-3, 24-3.1, 24-3.2, 24-3.4, 24-3.5 or 24-9 of this Act are invalid, except as authorized by this Section, and all those existing ordinances and resolutions are void.

(b) A unit of local government, including a home rule unit, may not regulate the acquisition, possession, transportation, storage, purchase, sale, or other dealing in firearms, and may not regulate ammunition, components, accessories, or accoutrements for firearms, except as follows:

(1) A unit of local government may also establish zoning and security requirements for the retail sale

of firearms by federally licensed firearms dealers.

(2) This Section does not apply to any municipality with a population of 2,000,000 or more inhabitants.

(c) This Section is limitation of home rule powers under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

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

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

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 1384 and 3621.

HOUSE BILL 2417. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Elections & Campaign Reform, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 2417 by deleting line 5 on page 29 through line 4 on page 30.

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

HOUSE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Patterson, HOUSE BILL 3467 was taken up and read by title a third time.

The Chair placed this bill on standard debate.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 108, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 25)

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

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

HOUSE BILLS ON SECOND READING

HOUSE BILL 1094. Having been read by title a second time on March 3, 2005, and held on the order of Second Reading, the same was again taken up.

Representative Rose offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 1094 on page 4, by replacing line 6 with the following: "an employee or paid or unpaid volunteer of the school district in which the victim's school was located."

The foregoing motion prevailed and Amendment No. 1 was adopted.

Representative Rose moved to reconsider the vote.

The motion prevailed.

Representative Rose withdrew Amendment No. 1.

Representative Rose offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 1094 on page 4, by replacing lines 2 through 6 with the following:

"(U) Aggravated criminal sexual abuse under subsection (f) of Section 12-16 of the Criminal Code of 1961 if the offender was an administrator, teacher, employee, or volunteer in the same school district in which the victim was a student.

"(V) Aggravated criminal sexual abuse under subsection (f) of Section 12-16 of the Criminal Code of 1961 if the offender held a position of trust, authority, or supervision in relation to the victim."

The foregoing motion prevailed and Amendment No. 2 was adopted.

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

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 3825.

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Kelly, HOUSE BILL 2416 was taken up and read by title a third time.

The Chair placed this bill on standard debate.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 61, Yeas; 45, Nays; 1, Answering Present.

(ROLL CALL 26)

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

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

On motion of Representative Saviano, HOUSE BILL 3538 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 74, Yeas; 33, Nays; 1, Answering Present.

(ROLL CALL 27)

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

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

On motion of Representative Saviano, HOUSE BILL 3785 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: 107, Yeas; 1, Nay; 0, Answering Present.

(ROLL CALL 28)

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

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

On motion of Representative Schock, HOUSE BILL 1554 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 108, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 29)

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

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

HOUSE BILLS ON SECOND READING

HOUSE BILL 3471. Having been read by title a second time on April 7, 2005, and held on the order of Second Reading, the same was again taken up.

Representative Soto offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 3471 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 8h as follows:

(30 ILCS 105/8h)

Sec. 8h. Transfers to General Revenue Fund.

(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, or the Reviewing Court Alternative Dispute Resolution Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

In determining the available balance in a fund, the Governor may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Governor.

(b) This Section does not apply to: (i) any fund established under the Community Senior Services and Resources Act; or (ii) on or after the effective date of this amendatory Act of the 94th General Assembly, the Child Labor and Day and Temporary Labor Enforcement Fund.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05.)

Section 10. The Day and Temporary Labor Services Act is amended by changing Sections 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, 70, 75, and 85 and adding Sections 2, 12, 90, 95, and 97 as follows:

(820 ILCS 175/2 new)

Sec. 2. Legislative Findings. The General Assembly finds as follows:

Over 300,000 workers work as day or temporary laborers in Illinois.

Approximately 150 day labor and temporary labor service agencies with nearly 600 branch offices are

licensed throughout Illinois. In addition, there is a large, though unknown, number of unlicensed day labor and temporary labor service agencies that operate outside the radar of law enforcement.

Recent studies and a survey of low-wage day or temporary laborers themselves finds that as a group, they are particularly vulnerable to abuse of their labor rights, including unpaid wages, failure to pay for all hours worked, minimum wage and overtime violations, and unlawful deduction from pay for meals, transportation, equipment and other items.

Current law is inadequate to protect the labor and employment rights of these workers.

At the same time, in Illinois and in other states, democratically run nonprofit day labor centers, which charge no fee for their services, have been established to provide an alternative for day or temporary laborers to soliciting work on street corners. These centers are not subject to this Act.

(820 ILCS 175/5)

Sec. 5. Definitions. As used in this Act:

"Day or temporary laborer" means a natural person who contracts for employment with a day and temporary labor service agency.

"Day and temporary labor" means labor or employment that is occasional or irregular at which a person is employed for not longer than the time period required to complete the assignment for which the person was hired and where wage payments are made directly or indirectly by the day and temporary labor service agency or the third party ~~client employer~~ for work undertaken by day or temporary laborers pursuant to a contract between the day and temporary labor service agency with the third party ~~client employer~~. "Day and temporary labor" does not include labor or employment of a professional or clerical nature.

"Day and temporary labor service agency" means any person or entity engaged in the business of employing day or temporary laborers to provide services, for a fee, to or for any third party ~~client employer~~ pursuant to a contract with the day and temporary labor service and the third party ~~client employer~~.

"Department" means the Department of Labor.

"Third party ~~client employer~~" means any person that contracts with a day and temporary labor service agency for obtaining the employment of day or temporary laborers.

"Person" means every natural person, firm, partnership, co-partnership, limited liability company, corporation, association, business trust, or other legal entity, or its legal representatives, agents, or assigns.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/10)

Sec. 10. Employment Notice Statement.

(a) Whenever a day and temporary labor service agency agrees to send one or more persons to work as day or temporary laborers, the day and temporary labor service agency shall provide to each, ~~upon request by a day or temporary laborer, at the time of dispatch, provide to the day or temporary laborer~~ a statement containing the following items on a form approved by the Department:

(1) the name of the day or temporary laborer;

(2) the name ~~Name~~ and nature of the work to be performed ; "

(3) the ~~"wages offered ;~~

(4) the name and address of the destination of each day or temporary laborer; ", ~~"destination of the person employed"~~,

(5) terms ~~terms~~ of transportation ; ", and

(6) whether ~~whether~~ a meal or ~~and~~ equipment , or both, is provided, either by the day and temporary labor service agency or the

third party ~~client employer~~, and the cost of the meal and equipment, if any.

If a day or temporary laborer is assigned to the same assignment for more than one day, the day and temporary labor service agency is required to provide the employment notice only on the first day of the assignment and on any day that any of the terms listed on the employment notice are changed.

If the day or temporary laborer is not placed with a third party client or otherwise contracted to work for that day, the day and temporary labor service agency shall, upon request, provide the day and temporary laborer with a confirmation that the day or temporary laborer sought work, signed by an employee of the day and temporary labor service agency, which shall include the name of the agency, the name and address of the day or temporary laborer, and the date and the time that the day or temporary laborer receives the confirmation.

(b) No day and temporary labor service agency may send any day or temporary laborer to any place where a strike, a lockout, or other labor trouble exists.

(c) The Department shall recommend to day and temporary labor service agencies that those agencies employ personnel who can effectively communicate information required in subsections (a) and (b) to day

or temporary laborers in Spanish, Polish, or any other language that is generally understood ~~used~~ in the locale of the day and temporary labor service agency.

(Source: P.A. 92-783, eff. 1-1-03; 93-375, eff. 1-1-04.)

(820 ILCS 175/12 new)

Sec. 12. Recordkeeping.

(a) Whenever a day and temporary labor service agency sends one or more persons to work as day or temporary laborers, the day and temporary labor service agency shall keep the following records relating to that transaction:

(1) the name, address and telephone number of each third party client, including each worksite, to which day or temporary laborers were sent by the agency and the date of the transaction;

(2) for each day or temporary laborer: the name and address, the specific location sent to work, the type of work performed, the number of hours worked, the hourly rate of pay and the date sent;

(3) the name and title of the individual or individuals at each third party client's place of business responsible for the transaction;

(4) any specific qualifications or attributes of a day or temporary laborer, requested by each third party client;

(5) copies of all contracts, if any, with the third party client and copies of all invoices for the third party client;

(6) copies of all employment notices provided in accordance with subsection (a) of Section 10;

(7) deductions to be made from each day or temporary laborer's compensation made by either the third party client or by the day and temporary labor service agency for the day or temporary laborer's transportation, food, equipment, withheld income tax, withheld social security payments and every other deduction;

(8) verification of the actual cost of any equipment or meal charged to a day or temporary laborer;

(9) the race and gender of each day or temporary laborer sent by the day and temporary labor service agency, as provided by the day or temporary laborer; and

(10) any additional information required by rules issued by the Department.

(b) The day and temporary labor service agency shall maintain all records under this Section for a period of 3 years from their creation. The records shall be open to inspection by the Department during normal business hours. Records described in paragraphs (1), (2), (3), (6), (7), and (8) of subsection (a) shall be available for review or copying by that day or temporary laborer during normal business hours within 5 days following a written request. In addition, a day and temporary labor service agency shall make records related to the number of hours billed to a third party client for that individual day or temporary laborer's hours of work available for review or copying during normal business hours within 5 days following a written request. The day and temporary labor service agency shall make forms, in duplicate, for such requests available to day or temporary laborers at the dispatch office. The day or temporary laborer shall be given a copy of the request form. It is a violation of this Section to make any false, inaccurate or incomplete entry into any record required by this Section, or to delete required information from any such record.

(820 ILCS 175/15)

Sec. 15. Meals. A day and temporary labor service agency or a third party client ~~employer~~ shall not charge a day or temporary laborer for any meal not consumed by the day and temporary laborer and, if consumed, no more than the actual cost of a meal. In no case shall the purchase of a meal be a condition of employment for a day or temporary laborer.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/20)

Sec. 20. Transportation.

(a) A day and temporary labor service agency or a third party client or a contractor or agent of either employer shall charge no fee more than the actual cost to transport a day or temporary laborer to or from the designated work site.

(b) A day and temporary labor service agency is responsible for the conduct and performance of any person who transports a day or temporary laborer from the agency to a work site, unless the transporter is: (1) a public mass transportation system as defined in Section 2 of the Local Mass Transit District Act; (2) a common carrier; (3) the day or temporary laborer providing his or her own transportation; or (4) selected exclusively by and at the sole choice of the day or temporary laborer for transportation in a vehicle not owned or operated by the day and temporary labor service agency. If any day and temporary labor service agency provides transportation to a day or temporary laborer or refers a day or temporary laborer as

provided in subsection (c), the day and temporary labor service agency may not allow a motor vehicle to be used for the transporting of day or temporary laborers if the agency knows or should know that the motor vehicle used for the transportation of day or temporary laborers is unsafe or not equipped as required by this Act or by any rule adopted under this Act, unless the vehicle is: (1) the property of a public mass transportation system as defined in Section 2 of the Local Mass Transit District Act; (2) the property of a common carrier; (3) the day or temporary laborer's personal vehicle; or (4) a vehicle of a day or temporary laborer used to carpool other day or temporary laborers and which is selected exclusively by and at the sole choice of the day or temporary laborer for transportation.

(c) A day and temporary labor service agency may not refer a day or temporary laborer to any person for transportation to a work site unless that person is (1) a public mass transportation system as defined in Section 2 of the Local Mass Transit District Act or (2) providing the transportation at no fee. Directing the day or temporary laborer to accept a specific car pool as a condition of work shall be considered a referral by the day and temporary labor service agency. Any mention or discussion of the cost of a car pool shall be considered a referral by the agency. Informing a day or temporary laborer of the availability of a car pool driven by another day or temporary laborer shall not be considered a referral by the agency.

(d) ; however, the total cost to each day or temporary laborer shall not exceed 3% of the day or temporary laborer's daily wages. Any motor vehicle that is owned or operated by the day and temporary labor service agency or a third party ~~client employer~~, or a contractor or agent of either, or to which a day and temporary labor service agency refers a day or temporary laborer, which is used for the transportation of day or temporary laborers shall have proof of financial responsibility as provided for in Chapter 8 of the Illinois Vehicle Code or as required by Department rules. The driver of the vehicle shall hold a valid license to operate motor vehicles in the correct classification and shall be required to produce the license immediately upon demand by the Department, its inspectors or deputies, or any other person authorized to enforce this Act. The Department shall forward a violation of this subsection to the appropriate law enforcement authorities or regulatory agencies, whichever is applicable.

(e) No motor vehicle that is owned or operated by the day and temporary labor service agency or a third party client, or a contractor or agent of either, or to which a day and temporary labor service agency refers a day or temporary laborer, which is used for the transportation of day or temporary laborers may be operated if it is occupied by more passengers than recommended by the manufacturer of the vehicle if the vehicle is manufactured as a passenger vehicle. If the vehicle is manufactured for use other than as a passenger vehicle, then it may not accommodate more passengers than provided for by the manufacturer in passenger vehicles of like style or rating. The Department shall forward a violation of this subsection to the appropriate law enforcement authorities or regulatory agencies, whichever is applicable.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/25)

Sec. 25. Day or temporary laborer equipment. For any safety equipment, clothing, accessories, or any other items required by the nature of the work, either by law, custom, or as a requirement of the third party ~~client employer~~, the day and temporary labor service agency or the third party ~~client employer~~ may charge the day or temporary laborer the market value of the item temporarily provided to the day or temporary laborer by the third party ~~client employer~~ if the day or temporary laborer fails to return such items to the third party ~~client employer~~ or the day and temporary labor service agency. For any other equipment, clothing, accessories, or any other items the day and temporary labor service agency makes available for purchase, the day or temporary laborer shall not be charged more than the actual market value for the item.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/30)

Sec. 30. Wage Payment and Notice.

(a) At the time of ~~the~~ payment of wages, a day and temporary labor service agency shall provide each day or temporary laborer with a detailed an itemized statement , on the day or temporary laborer's paycheck stub or on a form approved by the Department, listing the following:

(1) the name, address, and telephone number of each third party client at which the day or temporary laborer worked. If this information is provided on the day or temporary laborer's paycheck stub, a code for each third party client may be used so long as the required information for each coded third party client is made available to the day or temporary laborer;

(2) the number of hours worked by the day or temporary laborer at each third party client each day during the pay period;

(3) the rate of payment for each hour worked, including any premium rate or bonus;

(4) the total pay period earnings;

(5) all deductions made from the day or temporary laborer's compensation made either by the third party client or by the day and temporary labor service agency, and the purpose for which deductions were made, including for the day or temporary laborer's transportation, food, equipment, withheld income tax, withheld social security payments, and every other deduction; and

(6) any additional information required by rules issued by the Department showing in detail each deduction made from the wages.

(a-1) For each day or temporary laborer who is contracted to work a single day, the third party client shall, at the end of the work day, provide such day or temporary laborer with a Work Verification Form, approved by the Department, which shall contain the date, the day or temporary laborer's name, the work location, and the hours worked on that day. Any third party client who violates this subsection (a-1) may be subject to a civil penalty not to exceed \$500 for each violation found by the Department. Such civil penalty may increase to \$2,500 for a second or subsequent violation. For purposes of this subsection (a-1), each violation of this subsection (a-1) for each day or temporary laborer and for each day the violation continues shall constitute a separate and distinct violation.

(b) A day and temporary labor service agency shall provide each worker an annual earnings summary within a reasonable time after the preceding calendar year, but in no case later than February 1. A day and temporary labor service agency shall, at the time of each wage payment, give notice to day or temporary laborers of the availability of the annual earnings summary or post such a notice in a conspicuous place in the public reception area.

(c) At the request of a day or temporary laborer, a day and temporary labor service agency shall hold the daily wages of the day or temporary laborer and make either weekly, bi-weekly, or semi-monthly payments. The wages shall be paid in a single check, or, at the day or temporary laborer's sole option, by direct deposit or other manner approved by the Department, representing the wages earned during the period, either weekly, bi-weekly, or semi-monthly, designated by the day or temporary laborer in accordance with the Illinois Wage Payment and Collection Act. Vouchers or any other method of payment which is not generally negotiable shall be prohibited as a method of payment of wages. Day and temporary labor service agencies that make daily wage payments shall provide written notification to all day or temporary laborers of the right to request weekly, bi-weekly, or semi-monthly checks. The day and temporary labor service agency may provide this notice by conspicuously posting the notice at the location where the wages are received by the day or temporary laborers.

(d) No day and temporary labor service agency shall charge any day or temporary laborer for cashing a check issued by the agency for wages earned by a day or temporary laborer who performed work through that agency.

(e) Day or temporary laborers shall be paid no less than the wage rate stated in the notice as provided in Section 10 of this Act for all the work performed on behalf of the third party client employer in addition to the work listed in the written description.

(f) The total amount deducted for meals, equipment, and transportation may not cause a day or temporary laborer's hourly wage to fall below the State or federal minimum wage. However, a day and temporary labor service agency may deduct the actual market value of reusable equipment provided to the day or temporary laborer by the day and temporary labor service agency which the day or temporary laborer fails to return, if the day or temporary laborer provides a written authorization for such deduction at the time the deduction is made.

(g) A day or temporary laborer who is contracted by a day and temporary labor service agency to work at a third party client's worksite but is not utilized by the third party client shall be paid by the day and temporary labor service agency for a minimum of 4 hours of pay at the agreed upon rate of pay. However, in the event the day and temporary labor service agency contracts the day or temporary laborer to work at another location during the same shift, the day or temporary laborer shall be paid by the day and temporary labor service agency for a minimum of 2 hours of pay at the agreed upon rate of pay.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/35)

Sec. 35. Public Access Area. Each day and temporary labor service agency shall provide adequate seating in the public access area of the offices of the agency. The public access area shall be the location for the employment and wage notices required by Section 45 40 of this Act and any other State or federally mandated posting. The public access area shall allow for access to restrooms and water.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/40)

Sec. 40. Work Restriction. No day and temporary labor service agency shall restrict the right of a day or

temporary laborer to accept a permanent position with a third party ~~client employer~~ to whom the day or temporary laborer has been referred for work or restrict the right of such third party ~~client employer~~ to offer such employment to a day or temporary laborer. A day and temporary labor service agency may charge a placement fee to a third party client for employing a day or temporary laborer for whom a contract for work was effected by the day and temporary labor service agency not to exceed the equivalent of the total daily commission rate the day and temporary labor service agency would have received over a 60-day period, reduced by the equivalent of the daily commission rate the day and temporary labor service agency would have received for each day the day or temporary laborer has performed work for the day and temporary labor service agency in the preceding 12 months. Days worked at a day and temporary labor service agency in the 12 months preceding the effective date of this amendatory Act of the 94th General Assembly shall be included for purposes of calculating the maximum placement fee described in this Section. However, placement of a day or temporary laborer who is contracted by a day and temporary labor service agency to provide skilled labor shall not be subject to any placement fee cap. For purposes of this Section, a day or temporary laborer who performs "skilled labor" shall apply only where the day and temporary labor service agency performs an advanced application process, a screening process, which may include processes such as advanced testing, and a job interview. No fee provided for under this Section may be assessed or collected by the day and temporary labor service agency when the day or temporary laborer is offered permanent work following the suspension or revocation of the day and temporary labor service agency's registration by the Department. Nothing in this Section shall restrict a day and temporary labor service agency from receiving a placement fee from the third party employer for employing a day or temporary laborer for whom a contract for work was effected by the day and temporary labor service agency.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/45)

Sec. 45. Registration; Department of Labor.

(a) A day and temporary labor service agency which is located, operates or transacts business within this State shall register with the Department of Labor in accordance with rules adopted by the Department for day and temporary labor service agencies and shall be subject to this Act and any rules adopted under this Act that operate within the State. Each day and temporary labor service agency shall provide proof of an employer account number issued by the Department of Employment Security for the payment of unemployment insurance contributions as required under the Unemployment Insurance Act, and proof of valid workers' compensation insurance in effect at the time of registration covering all of its employees. If, at any time, a day and temporary labor service agency's workers' compensation insurance coverage lapses, the agency shall have an affirmative duty to report the lapse of such coverage to the Department and the agency's registration shall be suspended until the agency's workers' compensation insurance is reinstated. The Department may assess each day and temporary labor service agency a non-refundable registration fee not exceeding \$1,000 \$250 per year per agency and a non-refundable fee not to exceed \$250 for each branch office or other location where the agency regularly contracts with day or temporary laborers for services. The fee may be paid by check or money order and the Department may not refuse to accept a check on the basis that it is not a certified check or a cashier's check. The Department may charge an additional fee to be paid by a day and temporary labor service agency if the agency, or any person on the agency's behalf, issues or delivers a check to the Department that is not honored by the financial institution upon which it is drawn. The Department shall also adopt rules for violation hearings and penalties for violations of this Act or the Department's rules in conjunction with the ~~fines and~~ penalties set forth in this Act.

(b) It is a violation of this Act to operate a day and temporary labor service agency without first registering with the Department in accordance with subsection (a) of this Section. The Department shall create and maintain at regular intervals on its website, accessible to the public: (1) a list of all registered day and temporary labor service agencies in the State whose registration is in good standing; (2) a list of day and temporary labor service agencies in the State whose registration has been suspended, including the reason for the suspension, the date the suspension was initiated, and the date, if known, the suspension is to be lifted; and (3) a list of day and temporary labor service agencies in the State whose registration has been revoked, including the reason for the revocation and the date the registration was revoked. The Department has the authority to assess a penalty against any day and temporary labor service agency that fails to register with the Department of Labor in accordance with this Act or any rules adopted under this Act of \$500 for each violation. Each day during which a day and temporary labor service agency operates without registering with the Department shall be a separate and distinct violation of this Act.

(c) An applicant is not eligible to register to operate a day and temporary labor service agency under this

Act if the applicant or any of its officers, directors, partners, or managers or any owner of 25% or greater beneficial interest:

(1) has been involved, as owner, officer, director, partner, or manager, of any day and temporary labor service agency whose registration has been revoked or has been suspended without being reinstated within the 5 years immediately preceding the filing of the application; or

(2) is under the age of 18.

(d) Every agency shall post and keep posted at each location, in a position easily accessible to all employees, notices as supplied and required by the Department containing a copy or summary of the provisions of the Act and ~~The Department shall cause to be posted in each agency~~ a notice which informs the public of a toll-free telephone number for day or temporary laborers and the public to file wage dispute complaints and other alleged violations by day and temporary labor service agencies. Such notices shall be in English or any other language generally understood in the locale of the day and temporary labor service agency.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/50)

Sec. 50. Violations. The Department shall have the authority to deny, suspend, or revoke the registration of a day and temporary labor service agency if warranted by public health and safety concerns or violations of this Act.

(Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)

(820 ILCS 175/55)

Sec. 55. Enforcement. It shall be the duty of the Department to enforce the provisions of this Act. The Department shall have the power to conduct investigations in connection with the administration and enforcement of this Act and any investigator with the Department shall be authorized to visit and inspect, at all reasonable times, any places covered by this Act and shall be authorized to inspect, at all reasonable times, contracts for the employment of all day or temporary laborers entered into by a third party client employer if the Department has received a complaint indicating that the third party client employer may have contracted with a day and temporary labor service agency that is not registered under this Act. The Department shall conduct hearings in accordance with the Illinois Administrative Procedure Act upon written complaint by an investigator of the Department or any interested person of a violation of the Act. After the hearing, if supported by the evidence, the Department may (i) issue and cause to be served on any party an order to cease and desist from further violation of the Act, (ii) take affirmative or other action as deemed reasonable to eliminate the effect of the violation, (iii) deny, suspend, or revoke any registration under this Act, and (iv) determine the amount of any civil penalty allowed by the Act. The Director of Labor or his or her representative may compel, by subpoena, the attendance and testimony of witnesses and the production of books, payrolls, records, papers, and other evidence in any investigation or hearing and may administer oaths to witnesses; ~~however, proprietary lists of a day and temporary labor service agency are not subject to subpoena.~~ Nothing in this Act applies to labor or employment of a clerical or professional nature.

(Source: P.A. 92-783, eff. 1-1-03; 93-441, eff. 1-1-04.)

(820 ILCS 175/70)

Sec. 70. Penalties.

(a) A day and temporary labor service agency that violates any of the provisions of this Act or any rule adopted under this Act concerning registration, transportation, equipment, meals, wages, or waiting rooms shall be subject to a civil penalty not to exceed \$6,000 \$500 for any violations found in the first audit by the Department. Following a first audit, a day and temporary labor service agency shall be subject to a civil penalty and not to exceed \$2,500 \$5,000 for each repeat violation any violations found in the second audit by the Department within 3 years. For purposes of this subsection, each violation of this Act for each day or temporary laborer and for each day the violation continues shall constitute a separate and distinct violation. For any violations that are found in a third audit by the Department that are within 7 years of the earlier violations, the Department may revoke the registration of the violator. In determining the amount of a penalty, the Director shall consider the appropriateness of the penalty to the day and temporary labor service agency charged, upon the determination of the gravity of the violations. For any violation determined by the Department to be willful which is within 3 years of an earlier violation, the Department may revoke the registration of the violator. The amount of the penalty, when finally determined, may be:

(1) Recovered in a civil action brought by the Director of Labor in any circuit court.

In this litigation, the Director of Labor shall be represented by the Attorney General.

(2) Ordered by the court, in an action brought by any party for a violation under this

Act, to be paid to the Director of Labor.

(b) The Department shall adopt rules for violation hearings and penalties for violations of this Act or the Department's rules in conjunction with the penalties set forth in this Act.

Any administrative determination by the Department as to the amount of each penalty shall be final unless reviewed as provided in Section 60 of this Act.

(Source: P.A. 92-783, eff. 1-1-03.)

(820 ILCS 175/75)

Sec. 75. Willful violations.

(a) Whoever willfully violates any of the provisions of this Act or any rule adopted under this Act, or whoever obstructs the Department of Labor, its inspectors or deputies, or any other person authorized to inspect places of employment under this Act shall be liable for penalties up to double the statutory amount.

(b) Whoever willfully violates any of the provisions of this Act or any rule adopted under this Act which results in an underpayment to a day or temporary laborer shall be liable to the Department for up to 20% of the day and temporary labor service agency's or the third party client's total underpayment and shall also be liable to the employee for punitive damages in the amount of 2% of the amount of any such underpayments for each month following the date of payment during which the underpayments remain unpaid.

(c) The Director may promulgate rules for the collection of these penalties. The penalty shall be imposed in cases in which a day and temporary labor service agency's or a third party client's conduct is proven by a preponderance of the evidence to be willful. The penalty may be recovered in a civil action brought by the Director of Labor in any circuit court. In any such action, the Director of Labor shall be represented by the Attorney General, guilty of a Class A misdemeanor. Each day during which a violation of this Act continues shall constitute a separate and distinct offense, and the employment of any person in violation of the Act shall, with respect to each person so employed, constitute a separate and distinct offense. Whenever, in the opinion of the Department, a violation of the Act has occurred, the Department shall report the violation to the Attorney General of this State who shall have authority to prosecute all reported violations.

(Source: P.A. 92-783, eff. 1-1-03.)

(820 ILCS 175/85)

Sec. 85. Third party clients employers.

(a) It is a violation of this Act for a third party client to enter into a contract ~~Third party employers are prohibited from entering into contracts~~ for the employment of day or temporary laborers with any day and temporary labor service agency not registered under Section 45 of this Act. A third party client has a duty to verify a day and temporary labor service agency's status with the Department before entering into a contract with such an agency, and on March 1 and September 1 of each year. A day and temporary labor service agency shall be required to provide each of its third party clients with proof of valid registration issued by the Department at the time of entering into a contract. A day and temporary labor service agency shall be required to notify, both by telephone and in writing, each day or temporary laborer it employs and each third party client with whom it has a contract within 24 hours of any denial, suspension, or revocation of its registration by the Department. All contracts between any day and temporary labor service agency and any third party client shall be considered null and void from the date any such denial, suspension, or revocation of registration becomes effective and until such time as the day and temporary labor service agency becomes registered and considered in good standing by the Department as provided in Section 50 and Section 55. Upon request, the Department shall provide to a third party client ~~employer~~ a list of entities registered as day and temporary labor service agencies. The Department shall provide on the Internet a list of entities registered as day and temporary labor service agencies. A third party client may rely on information provided by the Department or maintained on the Department's website pursuant to Section 45 of this Act and shall be held harmless if such information maintained or provided by the Department was inaccurate. Any third party client that violates this provision of the Act is subject to a civil penalty not to exceed \$500. Each day during which a third party client contracts with a day and temporary labor service agency not registered under Section 45 of this Act shall constitute a separate and distinct offense.

(b) If a third party client leases or contracts with a day and temporary service agency for the services of a day or temporary laborer, the third party client shall share all legal responsibility and liability for the payment of wages under the Illinois Wage Payment and Collection Act and the Minimum Wage Law.

(Source: P.A. 93-441, eff. 1-1-04.)

(820 ILCS 175/90 new)

Sec. 90. Retaliation.

(a) Prohibition. It is a violation of this Act for a day and temporary labor service agency or third party

client, or any agent of a day and temporary labor service agency or third party client, to retaliate through discharge or in any other manner against any day or temporary laborer for exercising any rights granted under this Act. Such retaliation shall subject a day and temporary labor service agency or third party client, or both, to civil penalties pursuant to this Act or a private cause of action.

(b) Protected Acts from Retaliation. It is a violation of this Act for a day and temporary labor service agency or third party client to retaliate against a day or temporary laborer for:

(1) making a complaint to a day and temporary labor service agency, to a third party client, to a co-worker, to a community organization, before a public hearing, or to a State or federal agency that rights guaranteed under this Act have been violated;

(2) causing to be instituted any proceeding under or related to this Act; or

(3) testifying or preparing to testify in an investigation or proceeding under this Act.

(820 ILCS 175/95 new)

Sec. 95. Private Right of Action.

(a) A person aggrieved by a violation of this Act or any rule adopted under this Act by a day and temporary labor service agency or a third party client may file suit in circuit court of Illinois, in the county where the alleged offense occurred or where any day or temporary laborer who is party to the action resides, without regard to exhaustion of any alternative administrative remedies provided in this Act. Actions may be brought by one or more day or temporary laborers for and on behalf of themselves and other day or temporary laborers similarly situated. A day or temporary laborer whose rights have been violated under this Act by a day and temporary labor service agency or a third party client is entitled to collect:

(1) in the case of a wage and hour violation, the amount of any wages, salary, employment benefits, or other compensation denied or lost to the day or temporary laborer by reason of the violation, plus an equal amount in liquidated damages;

(2) in the case of a health and safety or notice violation, compensatory damages and an amount up to \$500 for the violation of each subpart of each Section;

(3) in the case of unlawful retaliation, all legal or equitable relief as may be appropriate; and

(4) attorney's fees and costs.

(b) The right of an aggrieved person to bring an action under this Section terminates upon the passing of 3 years from the final date of employment by the day and temporary labor agency or the third party client. This limitations period is tolled if a day labor employer has deterred a day or temporary laborer's exercise of rights under this Act by contacting or threatening to contact law enforcement agencies.

(820 ILCS 175/97 new)

Sec. 97. Severability. Should one or more of the provisions of this Act be held invalid, such invalidity shall not affect any of the valid provisions hereof."

The foregoing motion prevailed and Amendment No. 1 was adopted.

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

HOUSE BILL 1133. Having been read by title a second time on March 3, 2005, and held on the order of Second Reading, the same was again taken up.

Representative Soto offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 1133 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by adding Section 5-25 as follows:

(305 ILCS 5/5-25 new)

Sec. 5-25. Pediatric asthma initiative. During fiscal year 2006, the Department of Public Aid shall evaluate current standards of treatment of asthma for its beneficiaries. The review may include state-of-the-art programs in asthma disease management as well as evidence-based best practices for the early diagnosis, treatment, and control of asthma, particularly in children. The Department's review may include asthma disease management as one component of a comprehensive disease management model. The Department shall consult with the Department of Public Health and other State agencies, advocates, and providers in conducting this review. The Department's review shall also seek to maximize

collaborations between existing asthma programs in the State of Illinois. The review shall also assess the available methods of implementing and funding asthma disease management and treatment within the Medicaid program.

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

The foregoing motion prevailed and Amendment No. 1 was adopted.

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

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 1565.

HOUSE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Soto, HOUSE BILL 769 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 108, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 30)

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

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

HOUSE BILL ON SECOND READING

HOUSE BILL 711. Having been read by title a second time on March 15, 2005, and held on the order of Second Reading, the same was again taken up.

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

AMENDMENT NO. 1. Amend House Bill 711, on page 1, line 12, by deleting "insignia,"; and on page 1, line 13, by deleting the comma after "vehicles"; and on page 1, line 13, after "weapons", by inserting "from the Vietnam conflict era or later".

Representative Washington offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 711, AS AMENDED, in the last sentence of Section 5, by deleting "and weapons".

The foregoing motion prevailed and Amendment No. 2 was adopted.

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

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were reproduced. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Winters, HOUSE BILL 3606 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 108, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 31)

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

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

On motion of Representative Younge, HOUSE BILL 961 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: 106, Yeas; 0, Nays; 1, Answering Present.

(ROLL CALL 32)

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

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

HOUSE BILLS ON SECOND READING

HOUSE BILL 1039. Having been reproduced, 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 reproduced:

AMENDMENT NO. 1. Amend House Bill 1039 on page 1, by replacing lines 4 through 22 with the following:

"Section 5. The Criminal Code of 1961 is amended by adding Section 24-1.7 as follows:

(720 ILCS 5/24-1.7 new)

Sec. 24-1.7. Armed habitual criminal.

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

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

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

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

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

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

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILLS 2547 and 4030.

HOUSE BILL ON THIRD READING

The following bill and any amendments adopted thereto were reproduced. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments still pending upon the passage or defeat of a bill on Third Reading are automatically tabled pursuant to Rule 40(a).

On motion of Representative Eddy, HOUSE BILL 471 was taken up and read by title a third time.

The Chair placed this bill on standard debate.

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

(ROLL CALL 33)

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

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

HOUSE BILLS ON SECOND READING

HOUSE BILL 3628. Having been reproduced, was taken up and read by title a second time.

Representative Feigenholtz offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 3628 by replacing everything after the enacting clause with the following:

"Section 5. The Child Care Act of 1969 is amended by changing Sections 2, 2.05, 2.08, 4, 7, 8, 11, 11.1, and 12 and by adding Sections 2.24, 2.25, 7.4, 7.5, 7.6, 7.7, 7.8, 8.3, 8.4, 9.1a, 9.1b, 14.6, and 14.7 as follows:

(225 ILCS 10/2) (from Ch. 23, par. 2212)

Sec. 2. Terms used in this Act, unless the context otherwise requires, have the meanings ascribed to them in Sections 2.01 through ~~2.25~~ 2.24.

(Source: P.A. 86-278; 86-386.)

(225 ILCS 10/2.05) (from Ch. 23, par. 2212.05)

Sec. 2.05. "Facility for child care" or "child care facility" means any person, group of persons, agency, association, ~~or~~ organization, corporation, institution, center, or group, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in this Act, established and maintained for the care of children. "Child care facility" includes a relative who is licensed as a foster family home under Section 4 of this Act.

(Source: P.A. 89-21, eff. 7-1-95.)

(225 ILCS 10/2.08) (from Ch. 23, par. 2212.08)

Sec. 2.08.

"Child welfare agency" means a public or private child care facility, receiving any child or children for the purpose of placing or arranging for the placement or free care of the child or children in foster family homes, unlicensed pre-adoptive and adoptive homes, or other facilities for child care, apart from the custody of the child's or children's parents. The term "child welfare agency" includes all agencies established and maintained by a municipality or other political subdivision of the State of Illinois to protect, guard, train or care for children outside their own homes and all agencies, persons, groups of persons, associations, organizations, corporations, institutions, centers, or groups providing adoption services, but does not include any circuit court or duly appointed juvenile probation officer or youth counselor of the court; who receives and places children under an order of the court.

(Source: P.A. 76-63.)

(225 ILCS 10/2.24 new)

Sec. 2.24. "Adoption services" includes any one or more of the following services performed for any type of compensation or thing of value, directly or indirectly: (i) arranging for the placement of or placing out a child, (ii) identifying a child for adoption, (iii) matching adoptive parents with birth parents, (iv) arranging or facilitating an adoption, (v) taking or acknowledging consents or surrenders for termination of parental rights for purposes of adoption, as defined in the Adoption Act, (vi) performing background studies on a child or adoptive parents, (vii) making determinations of the best interests of a child and the appropriateness of adoptive placement for the child, or (viii) post-placement monitoring of a child prior to adoption. "Adoption services" does not include the following: (i) the provision of legal services by a licensed attorney for which the attorney must be licensed as an attorney under Illinois law, (ii) adoption-related services performed by public governmental entities or entities or persons performing investigations by court appointment as described in subsection A of Section 6 of the Adoption Act, (iii) prospective adoptive parents operating on their own behalf, (iv) the provision of general education and training on adoption-related topics, or (v) post-adoption services, including supportive services to families to promote the well-being of members of adoptive families or birth families.

(225 ILCS 10/2.25 new)

Sec. 2.25. "Unlicensed pre-adoptive and adoptive home" means any home that is not licensed by the Department as a foster family home and that receives a child or children for the purpose of adopting the child or children.

(225 ILCS 10/4) (from Ch. 23, par. 2214)

Sec. 4. License requirement; application; notice.

(a) Any person, group of persons or corporation who or which receives children or arranges for care or placement of one or more children unrelated to the operator must apply for a license to operate one of the types of facilities defined in Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any relative who receives a child or children for placement by the Department on a full-time basis may apply for a license to operate a foster family home as defined in Section 2.17 of this Act.

(a-5) Any agency, person, group of persons, association, organization, corporation, institution, center, or group providing adoption services must be licensed by the Department as a child welfare agency as defined in Section 2.08 of this Act. "Providing adoption services" as used in this Act, includes facilitating or engaging in adoption services.

(b) Application for a license to operate a child care facility must be made to the Department in the manner and on forms prescribed by it. An application to operate a foster family home shall include, at a minimum: a completed written form; written authorization by the applicant and all adult members of the applicant's household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; and fingerprints submitted by the applicant and all adult members of the applicant's household.

(c) The Department shall notify the public when a child care institution, maternity center, or group home licensed by the Department undergoes a change in (i) the range of care or services offered at the facility, (ii) the age or type of children served, or (iii) the area within the facility used by children. The Department shall notify the public of the change in a newspaper of general circulation in the county or municipality in which the applicant's facility is or is proposed to be located.

(d) If, upon examination of the facility and investigation of persons responsible for care of children, the Department is satisfied that the facility and responsible persons reasonably meet standards prescribed for the type of facility for which application is made, it shall issue a license in proper form, designating on that license the type of child care facility and, except for a child welfare agency, the number of children to be served at any one time.

(e) The Department shall not issue or renew the license of any child welfare agency providing adoption services, unless the agency (i) is officially recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law) and (ii) is in compliance with all of the standards necessary to maintain its status as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law). The Department shall grant a grace period of 24 months from the effective date of this amendatory Act of the 94th General Assembly for existing child welfare agencies providing adoption services to obtain 501(c)(3) status. The Department shall permit an existing child welfare agency that converts from its current structure in order to be recognized as a 501(c)(3) organization as required by this Section to either retain its current license or transfer its current license to a newly formed entity, if the creation of a new entity is required in order to comply with this Section, provided that the child welfare agency demonstrates that it continues to meet all other licensing requirements and that the principal officers and directors and programs of the converted child welfare agency or newly organized child welfare agency are substantially the same as the original.

(Source: P.A. 89-21, eff. 7-1-95; 90-90, eff. 7-11-97; 90-608, eff. 6-30-98.)

(225 ILCS 10/7) (from Ch. 23, par. 2217)

Sec. 7. (a) The Department must prescribe and publish minimum standards for licensing that apply to the various types of facilities for child care defined in this Act and that are equally applicable to like institutions under the control of the Department and to foster family homes used by and under the direct supervision of the Department. The Department shall seek the advice and assistance of persons representative of the various types of child care facilities in establishing such standards. The standards prescribed and published under this Act take effect as provided in the Illinois Administrative Procedure Act, and are restricted to regulations pertaining to the following matters and to any rules and regulations

required or permitted by any other Section of this Act:

- (1) The operation and conduct of the facility and responsibility it assumes for child care;
 - (2) The character, suitability and qualifications of the applicant and other persons directly responsible for the care and welfare of children served. All child day care center licensees and employees who are required to report child abuse or neglect under the Abused and Neglected Child Reporting Act shall be required to attend training on recognizing child abuse and neglect, as prescribed by Department rules;
 - (3) The general financial ability and competence of the applicant to provide necessary care for children and to maintain prescribed standards;
 - (4) The number of individuals or staff required to insure adequate supervision and care of the children received. The standards shall provide that each child care institution, maternity center, day care center, group home, day care home, and group day care home shall have on its premises during its hours of operation at least one staff member certified in first aid, in the Heimlich maneuver and in cardiopulmonary resuscitation by the American Red Cross or other organization approved by rule of the Department. Child welfare agencies shall not be subject to such a staffing requirement. The Department may offer, or arrange for the offering, on a periodic basis in each community in this State in cooperation with the American Red Cross, the American Heart Association or other appropriate organization, voluntary programs to train operators of foster family homes and day care homes in first aid and cardiopulmonary resuscitation;
 - (5) The appropriateness, safety, cleanliness and general adequacy of the premises, including maintenance of adequate fire prevention and health standards conforming to State laws and municipal codes to provide for the physical comfort, care and well-being of children received;
 - (6) Provisions for food, clothing, educational opportunities, program, equipment and individual supplies to assure the healthy physical, mental and spiritual development of children served;
 - (7) Provisions to safeguard the legal rights of children served;
 - (8) Maintenance of records pertaining to the admission, progress, health and discharge of children, including, for day care centers and day care homes, records indicating each child has been immunized as required by State regulations. The Department shall require proof that children enrolled in a facility have been immunized against Haemophilus Influenzae B (HIB);
 - (9) Filing of reports with the Department;
 - (10) Discipline of children;
 - (11) Protection and fostering of the particular religious faith of the children served;
 - (12) Provisions prohibiting firearms on day care center premises except in the possession of peace officers;
 - (13) Provisions prohibiting handguns on day care home premises except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside on the premises of a day care home;
 - (14) Provisions requiring that any firearm permitted on day care home premises, except handguns in the possession of peace officers, shall be kept in a disassembled state, without ammunition, in locked storage, inaccessible to children and that ammunition permitted on day care home premises shall be kept in locked storage separate from that of disassembled firearms, inaccessible to children;
 - (15) Provisions requiring notification of parents or guardians enrolling children at a day care home of the presence in the day care home of any firearms and ammunition and of the arrangements for the separate, locked storage of such firearms and ammunition.
- (b) If, in a facility for general child care, there are children diagnosed as mentally ill, mentally retarded or physically handicapped, who are determined to be in need of special mental treatment or of nursing care, or both mental treatment and nursing care, the Department shall seek the advice and recommendation of the Department of Human Services, the Department of Public Health, or both Departments regarding the residential treatment and nursing care provided by the institution.
- (c) The Department shall investigate any person applying to be licensed as a foster parent to determine whether there is any evidence of current drug or alcohol abuse in the prospective foster family. The Department shall not license a person as a foster parent if drug or alcohol abuse has been identified in the foster family or if a reasonable suspicion of such abuse exists, except that the Department may grant a foster parent license to an applicant identified with an alcohol or drug problem if the applicant has successfully participated in an alcohol or drug treatment program, self-help group, or other suitable activities.

(d) The Department, in applying standards prescribed and published, as herein provided, shall offer consultation through employed staff or other qualified persons to assist applicants and licensees in meeting and maintaining minimum requirements for a license and to help them otherwise to achieve programs of excellence related to the care of children served. Such consultation shall include providing information concerning education and training in early childhood development to providers of day care home services. The Department may provide or arrange for such education and training for those providers who request such assistance.

(e) The Department shall distribute copies of licensing standards to all licensees and applicants for a license. Each licensee or holder of a permit shall distribute copies of the appropriate licensing standards and any other information required by the Department to child care facilities under its supervision. Each licensee or holder of a permit shall maintain appropriate documentation of the distribution of the standards. Such documentation shall be part of the records of the facility and subject to inspection by authorized representatives of the Department.

(f) The Department shall prepare summaries of day care licensing standards. Each licensee or holder of a permit for a day care facility shall distribute a copy of the appropriate summary and any other information required by the Department, to the legal guardian of each child cared for in that facility at the time when the child is enrolled or initially placed in the facility. The licensee or holder of a permit for a day care facility shall secure appropriate documentation of the distribution of the summary and brochure. Such documentation shall be a part of the records of the facility and subject to inspection by an authorized representative of the Department.

(g) The Department shall distribute to each licensee and holder of a permit copies of the licensing or permit standards applicable to such person's facility. Each licensee or holder of a permit shall make available by posting at all times in a common or otherwise accessible area a complete and current set of licensing standards in order that all employees of the facility may have unrestricted access to such standards. All employees of the facility shall have reviewed the standards and any subsequent changes. Each licensee or holder of a permit shall maintain appropriate documentation of the current review of licensing standards by all employees. Such records shall be part of the records of the facility and subject to inspection by authorized representatives of the Department.

(h) Any standards involving physical examinations, immunization, or medical treatment shall include appropriate exemptions for children whose parents object thereto on the grounds that they conflict with the tenets and practices of a recognized church or religious organization, of which the parent is an adherent or member, and for children who should not be subjected to immunization for clinical reasons.

(Source: P.A. 89-274, eff. 1-1-96; 89-507, eff. 7-1-97; 89-648, eff. 8-9-96; 90-14, eff. 7-1-97.)

(225 ILCS 10/7.4 new)

Sec. 7.4. Disclosures.

(a) Every child welfare agency providing adoption services and licensed by the Department shall provide to all prospective clients and to the public written disclosures with respect to its adoption services, policies, and practices, including general eligibility criteria, fees, and the mutual rights and responsibilities of clients, including birth parents and adoptive parents. The written disclosure shall be posted on any website maintained by the child welfare agency that relates to adoption services. The Department shall adopt rules relating to the contents of the written disclosures.

(b) Every licensed child welfare agency providing adoption services shall provide to all applicants, prior to application, a written schedule of estimated fees, expenses, and refund policies. Every child welfare agency providing adoption services shall have a written policy that shall be part of its standard adoption contract and state that it will not charge additional fees and expenses beyond those disclosed in the adoption contract unless additional fees are reasonably required by the circumstances and are disclosed to the adoptive parents or parent before they are incurred. The Department shall adopt rules relating to the contents of the written schedule and policy.

(c) Every licensed child welfare agency providing adoption services must make full and fair disclosure to its clients, including birth parents and adoptive parents, of all circumstances material to the placement of a child for adoption. The Department shall adopt rules necessary for the implementation and regulation of the requirements of this subsection (c).

(d) Every licensed child welfare agency providing adoption services shall meet minimum standards set forth by the Department prior to taking or acknowledging a consent from a prospective birth parent. The Department shall adopt rules concerning the minimum standards required by agencies under this Section.

(225 ILCS 10/7.5 new)

Sec. 7.5. Adoptive parent training program. Every licensed child welfare agency providing adoption

services shall provide prospective adoptive parents with a training program that includes counseling and guidance for the purpose of promoting a successful adoption in conjunction with placing a child for adoption with the prospective adoptive parents and which must be completed to the satisfaction of the licensed child welfare agency prior to the finalization of the adoption. The training may be provided by an agent or independent contractor of the child welfare agency or by a Department-approved training individual or entity. The Department shall adopt rules concerning minimum hours, content, and agency documentation of the training and rules concerning the approval of individuals or entities conducting training under this Section.

(225 ILCS 10/7.6 new)

Sec. 7.6. Annual report. Every licensed child welfare agency providing adoption services shall file an annual report with the Department and with the Attorney General on forms and on a date prescribed by the Department. The annual report shall be made available to the public by the Department and by the agency. The annual report shall include all of the following matters and all other matters required by the Department:

(1) A balance sheet and a statement of income and expenses for the year, certified by an independent public accountant;

(2) Non-identifying information concerning the placements made by the agency during the year, consisting of the number of adoptive families in the process of obtaining a foster family license, the number of adoptive families that are licensed and awaiting placement, the number of biological parents that the agency is actively working with, the number of placements, and the number of adoptions initiated during the year and the status of each matter at the end of the year;

(3) Any instance during the year in which the agency lost the right to provide adoption services in any State or country, had its license suspended for cause, or was the subject of other sanctions by any court, governmental agency, or governmental regulatory body relating to the provision of adoption services;

(4) Any actions related to licensure that were initiated against the agency during the year by a licensing or accrediting body;

(5) Any pending investigations by federal or State authorities;

(6) Any criminal charges, child abuse charges, malpractice complaints, or lawsuits against the agency or any of its employees, officers, or directors related to the provision of adoption services and the basis or disposition of the actions;

(7) Any instance in the year where the agency was found guilty of, or pled guilty to, any criminal or civil or administrative violation under federal, State, or foreign law that relates to the provision of adoption services;

(8) Any instance in the year where any employee, officer, or director of the agency was found guilty of any crime or was determined to have violated a civil law or administrative rule under federal, State, or foreign law relating to the provision of adoption services; and

(9) Any civil or administrative proceeding instituted by the agency during the year and relating to adoption services, excluding uncontested adoption proceedings.

Failure to disclose information required under this Section may result in the suspension of the agency's license for a period of 90 days. Subsequent violations may result in revocation of the license.

Information disclosed in accordance with this Section shall be subject to the applicable confidentiality requirements of this Act and the Adoption Act.

(225 ILCS 10/7.7 new)

Sec. 7.7. Certain waivers prohibited. Licensed child welfare agencies providing adoption services shall not require biological or adoptive parents to sign any document that purports to waive claims against an agency for intentional or reckless acts or omissions or for gross negligence. Nothing in this Section shall require an agency to assume risks that are not within the reasonable control of the agency.

(225 ILCS 10/7.8 new)

Sec. 7.8. Preferential treatment in child placement prohibited. No licensed child welfare agency providing adoption services shall give preferential treatment to its board members, contributors, volunteers, employees, agents, consultants, or independent contractors or to their relatives with respect to the placement of a child or any matters relating to adoption services. The Department shall define "preferential treatment" by rule and shall adopt any rules necessary to implement this Section.

(225 ILCS 10/8) (from Ch. 23, par. 2218)

Sec. 8. The Department may revoke or refuse to renew the license of any child care facility or child welfare agency or refuse to issue full license to the holder of a permit should the licensee or holder of a permit:

- (1) fail to maintain standards prescribed and published by the Department;
- (2) violate any of the provisions of the license issued;
- (3) furnish or make any misleading or any false statement or report to the Department;
- (4) refuse to submit to the Department any reports or refuse to make available to the Department any records required by the Department in making investigation of the facility for licensing purposes;
- (5) fail or refuse to submit to an investigation by the Department;
- (6) fail or refuse to admit authorized representatives of the Department at any reasonable time for the purpose of investigation;
- (7) fail to provide, maintain, equip and keep in safe and sanitary condition premises established or used for child care as required under standards prescribed by the Department, or as otherwise required by any law, regulation or ordinance applicable to the location of such facility;
- (8) refuse to display its license or permit;
- (9) be the subject of an indicated report under Section 3 of the Abused and Neglected Child Reporting Act or fail to discharge or sever affiliation with the child care facility of an employee or volunteer at the facility with direct contact with children who is the subject of an indicated report under Section 3 of that Act;
- (10) fail to comply with the provisions of Section 7.1;
- (11) fail to exercise reasonable care in the hiring, training and supervision of facility personnel;
- (12) fail to report suspected abuse or neglect of children within the facility, as required by the Abused and Neglected Child Reporting Act;
- (13) fail to comply with Section 5.1 or 5.2 of this Act; or
- (14) be identified in an investigation by the Department as an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, or be a person whom the Department knows has abused alcohol or drugs, and has not successfully participated in treatment, self-help groups or other suitable activities, and the Department determines that because of such abuse the licensee, holder of the permit, or any other person directly responsible for the care and welfare of the children served, does not comply with standards relating to character, suitability or other qualifications established under Section 7 of this Act.

(Source: P.A. 91-357, eff. 7-29-99; 91-413, eff. 1-1-00.)

(225 ILCS 10/8.3 new)

Sec. 8.3. Tax exempt agency. The Department shall revoke or refuse to renew the license of any child welfare agency providing adoption services that is not (i) officially recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law) and (ii) in compliance with all of the standards necessary to maintain its status as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law). The Department shall grant a grace period of 24 months from the effective date of this amendatory Act of the 94th General Assembly for existing child welfare agencies providing adoption services to obtain 501(c)(3) status. The Department shall permit an existing child welfare agency that converts from its current structure in order to be recognized as a 501(c)(3) organization as required by this Section to either retain its current license or transfer its current license to a newly formed entity, if the creation of a new entity is required in order to comply with this Section, provided that the child welfare agency demonstrates that it continues to meet all other licensing requirements and that the principal officers and directors and programs of the converted child welfare agency or newly organized child welfare agency are substantially the same as the original.

(225 ILCS 10/8.4 new)

Sec. 8.4. Cessation or dissolution of an agency. In the event that a licensed child welfare agency ceases to exist or dissolves its corporate entity, or ceases to provide adoption services as defined in this Act, all records pertaining to adoption services, as that term is defined in Section 2.24 of this Act, shall be forwarded to the Department within 30 days after such cessation or dissolution.

(225 ILCS 10/9.1a new)

Sec. 9.1a. Complaint registry.

(a) The Department shall establish a complaint registry to assist in the monitoring of licensed child welfare agencies providing adoption services, which shall record and track the resolution and disposition of substantiated licensing violations.

(b) The Department shall establish and maintain a statewide toll-free telephone number and post information on its website where the public can access information contained in the complaint registry, as it pertains to the past history and record of any licensed child welfare agency providing adoption services.

This information shall include, but shall not be limited to, Department substantiated licensing complaints against a child welfare agency providing adoption services and Department findings of any license violations against a child welfare agency providing adoption services.

(c) Information disclosed in accordance with this Section shall be subject to the applicable confidentiality requirements of this Act and the Adoption Act.

(225 ILCS 10/9.1b new)

Sec. 9.1b. Complaint procedures. All child welfare agencies providing adoption services shall be required by the Department to have complaint policies and procedures that shall be provided in writing to their prospective clients, including biological parents, adoptive parents, and adoptees that they have served, at the earliest time possible, and, in the case of biological and adoptive parents, prior to placement or prior to entering into any written contract with the clients. These complaint procedures must be filed with the Department within 6 months after the effective date of this amendatory Act of the 94th General Assembly. Failure to comply with this Section may result in the suspension of licensure for a period of 90 days. Subsequent violations may result in licensure revocation. The Department shall adopt rules that describe the complaint procedures required by each agency. These rules shall include without limitation prompt complaint response time, recording of the complaints, prohibition of agency retaliation against the person making the complaint, and agency reporting of all complaints to the Department in a timely manner. Any agency that maintains a website shall post the prescribed complaint procedures and its license number, as well as the statewide toll-free complaint registry telephone number, on its website.

(225 ILCS 10/11) (from Ch. 23, par. 2221)

Sec. 11. Whenever the Department is advised, or has reason to believe, that any person, group of persons or corporation is operating a child welfare agency or a child care facility without a license or permit, it shall make an investigation to ascertain the facts. If the Department is denied access, it shall request intervention of local, county or State law enforcement agencies to seek an appropriate court order or warrant to examine the premises. A person or entity preventing the Department from carrying out its duties under this Section shall be guilty of a violation of this Act and shall be subject to such penalties related thereto. If it finds that the child welfare agency or child care facility is being, or has been operated without a license or permit, it shall report the results of its investigation to the Attorney General, and to the appropriate State's Attorney for investigation and, if appropriate, prosecution.

Operating a child welfare agency or child care facility without a license constitutes a Class A misdemeanor, followed by a business offense, if the operator continues to operate the facility and no effort is made to obtain a license. The business offense fine shall not exceed \$10,000 and each day of a violation is a separate offense.

(Source: P.A. 85-215.)

(225 ILCS 10/11.1) (from Ch. 23, par. 2221.1)

Sec. 11.1. ~~If the Department has reasonable cause to believe Upon request of the Director, the Attorney General or the State's Attorney of the county in which the violation occurred, shall initiate injunction proceedings whenever it appears~~ that any person, group of persons, ~~or~~ corporation, agency, association, organization, institution, center, or group is engaged or about to engage in any acts or practices ~~that which~~ constitute or will constitute a violation of this Act or any rule or regulation prescribed under authority thereof, the Department shall inform the Attorney General or the State's Attorney of the appropriate county, who may initiate the appropriate civil or criminal proceedings. Upon a proper showing, any circuit court may enter a permanent or preliminary injunction or temporary restraining order without bond to enforce this Act or any rule or regulation prescribed thereunder in addition to the penalties and other remedies provided in this Act.

(Source: P.A. 84-548.)

(225 ILCS 10/12) (from Ch. 23, par. 2222)

Sec. 12. Advertisements.

(a) In this Section, "advertise" means communication by any public medium originating or distributed in this State, including, but not limited to, newspapers, periodicals, telephone book listings, outdoor advertising signs, radio, or television.

(b) A child care facility or child welfare agency licensed or operating under a permit issued by the Department may publish advertisements for the services that the facility is specifically licensed or issued a permit under this Act to provide. No person, group of persons, agency, association, organization, corporation, institution, center, or group, unless licensed or operating under a permit issued by the Department as a child care facility or child welfare agency, may advertise or cause to be published any advertisement offering, soliciting, or promising to perform adoption services as defined in Section 2.24 of

this Act.

(c) Every advertisement under this Section shall include the Department-issued license number of the facility or agency.

(d) Any licensed child welfare agency providing adoption services that causes to be published an advertisement containing misrepresentations concerning adoption services or circumstances material to the placement of a child for adoption is guilty of a Class A misdemeanor and shall be subject to a fine not to exceed \$10,000 and 9 months imprisonment for each advertisement.

(e) This Section does not apply to a biological parent or a prospective adoptive parent acting on his or her own behalf.

(f) This Section does not apply to a licensed attorney advertising his or her availability to provide legal services relating to adoption, as permitted by law.

(g) An out-of-state agency that has a written interagency agreement with one or more Illinois licensed child welfare agencies, may advertise under this Section provided that (i) the out-of-state agency must be officially recognized by the United States Internal Revenue Service as a tax-exempt organization under 501(c)3 of the Internal Revenue Code of 1986 (or any successor provision of federal tax law), (ii) the out-of-state agency only provides international adoption services and is covered by the Intercountry Adoption Act of 2000, (iii) the out-of-state agency displays, in the advertisement, the license number of at least one of the Illinois licensed child welfare agencies with which it has a written agreement, and (iv) the advertisements pertain only to international adoption services. Subsection (d) of this Section applies to advertisements placed by any international out-of-state adoption agencies. ~~A child care facility licensed or operating under a permit issued by the Department may publish advertisements of the services for which it is specifically licensed or issued a permit under this Act. No person, unless licensed or holding a permit as a child care facility, may cause to be published any advertisement soliciting a child or children for care or placement or offering a child or children for care or placement.~~

(Source: P.A. 76-63.)

(225 ILCS 10/14.6 new)

Sec. 14.6. Agency payment of salaries or other compensation.

(a) A licensed child welfare agency may pay salaries or other compensation to its officers, employees, agents, contractors, or any other persons acting on its behalf for providing adoption services, provided that all of the following limitations apply:

(1) The fees, wages, salaries, or other compensation of any description paid to the officers, employees, contractors, or any other person acting on behalf of a child welfare agency providing adoption services shall not be unreasonably high in relation to the services actually rendered. Every form of compensation shall be taken into account in determining whether fees, wages, salaries, or compensation are unreasonably high, including, but not limited to, salary, bonuses, deferred and non-cash compensation, retirement funds, medical and liability insurance, loans, and other benefits such as the use, purchase, or lease of vehicles, expense accounts, and food, housing, and clothing allowances.

(2) Any earnings, if applicable, or compensation paid to the child welfare agency's directors, stockholders, or members of its governing body shall not be unreasonably high in relation to the services rendered.

(3) Persons providing adoption services for a child welfare agency may be compensated only for services actually rendered and only on a fee-for-service, hourly wage, or salary basis.

(b) The Department may adopt rules setting forth the criteria to determine what constitutes unreasonably high fees and compensation as those terms are used in this Section. In determining the reasonableness of fees, wages, salaries, and compensation under paragraphs (1) and (2) of subsection (a) of this Section, the Department shall take into account the location, number, and qualifications of staff, workload requirements, budget, and size of the agency or person, and available norms for compensation within the adoption community. Every licensed child welfare agency providing adoption services shall provide the Department and the Attorney General with a report, on an annual basis, providing a description of the fees, wages, salaries and other compensation described in paragraphs (1), (2), and (3) of this Section. Nothing in the Adoption Compensation Prohibition Act shall be construed to prevent a child welfare agency from charging fees or the payment of salaries and compensation as limited in this Section and any applicable Section of this Act or the Adoption Act.

(c) This Section does not apply to international adoption services performed by those child welfare agencies governed by the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and the Intercountry Adoption Act of 2000.

(225 ILCS 10/14.7 new)

Sec. 14.7. Payments to biological parents.

(a) Payment of reasonable living expenses in accordance with the Adoption Compensation Prohibition Act of the biological parents and the child they are considering placing for adoption by a child welfare agency shall not obligate the biological parents to place the child for adoption. In the event that the biological parents choose not to place the child for adoption, the child welfare agency shall have no right to seek reimbursement from the biological parents, or from any relative of the biological parents, of moneys paid to, or on behalf of, the biological parents, except as provided in subsection (b) of this Section.

(b) Notwithstanding subsection (a) of this Section, a child welfare agency may seek reimbursement of reasonable living expenses from a person who receives such payments only if the person who accepts payment of reasonable living expenses as described in subsection (a) of this Section knows that the person on whose behalf they are accepting payment is not pregnant at the time of the receipt of such payments or the person receives reimbursement for reasonable living expenses simultaneously from more than one child welfare agency without the agencies' knowledge.

Section 10. The Adoption Compensation Prohibition Act is amended by changing Sections 1, 2, 3, 4, and 4.1 and by adding Section 4.9 as follows:

(720 ILCS 525/1) (from Ch. 40, par. 1701)

Sec. 1. No person and no agency, association, corporation, institution, society, or other organization, except a child welfare agency as defined by the Child Care Act of 1969, as now or hereafter amended, shall request, receive or accept any compensation or thing of value, directly or indirectly, for providing adoption services, as defined in Section 2.24 of the Child Care Act of 1969 ~~placing out of a child.~~

(Source: P.A. 86-820.)

(720 ILCS 525/2) (from Ch. 40, par. 1702)

Sec. 2. No person shall pay or give any compensation or thing of value, directly or indirectly, for providing adoption services, as defined in Section 2.24 of the Child Care Act of 1969, including placing out of a child to any person or to any agency, association, corporation, institution, society, or other organization except a child welfare agency as defined by the Child Care Act of 1969, as now or hereafter amended.

(Source: P.A. 86-820.)

(720 ILCS 525/3) (from Ch. 40, par. 1703)

Sec. 3. Definitions. As used in this Act: ~~the term~~

"Placing ~~placing~~ out" means to arrange for the free care or placement of a child in a family other than that of the child's parent, stepparent, grandparent, brother, sister, uncle or aunt or legal guardian, for the purpose of adoption or for the purpose of providing care.

"Adoption services" has the meaning given that term in the Child Care Act of 1969.

(Source: Laws 1955, p. 1881.)

(720 ILCS 525/4) (from Ch. 40, par. 1704)

Sec. 4. The provisions of this Act shall not be construed to prevent the payment of salaries or other compensation by a licensed child welfare agency providing adoption services, as that term is defined by the Child Care Act of 1969, as now or hereafter amended, to the officers, ~~or~~ employees, agents, contractors, or any other persons acting on behalf of the child welfare agency, provided that such salaries and compensation are consistent with subsection (a) of Section 14.5 of the Child Care Act of 1969.

The provisions of this Act shall not ~~thereof, nor shall it~~ be construed to prevent the payment by a person with whom a child has been placed for adoption ~~out~~ of reasonable and actual medical fees or hospital charges for services rendered in connection with the birth of such child, if such payment is made to the physician or hospital who or which rendered the services or to the biological ~~natural~~ mother of the child or to prevent the receipt of such payment by such physician, hospital, or mother.

(Source: P.A. 86-820.)

(720 ILCS 525/4.1) (from Ch. 40, par. 1704.1)

(Text of Section after amendment by P.A. 93-1063)

Sec. 4.1. Payment of certain expenses.

(a) A person or persons who have filed or intend to file a petition to adopt a child under the Adoption Act shall be permitted to pay the reasonable living expenses of the biological parents of the child sought to be adopted, in addition to those expenses set forth in Section 4, only in accordance with the provisions of this Section.

"Reasonable living expenses" means those expenses related to activities of daily living and meeting basic needs, including, but not limited to, the reasonable costs of lodging, food, and clothing for the biological parents during the ~~period of~~ the biological mother's pregnancy and for no more than 120 days prior to the biological mother's expected date of delivery and for no more than 60 ~~30~~ days after the birth of the child.

The term does not include expenses for lost wages, gifts, educational expenses, or other similar expenses of the biological parents.

(b) The petitioners may seek leave of the court to pay the reasonable living expenses of the biological parents. They shall be permitted to pay the reasonable living expenses of the biological parents only upon prior order of the circuit court where the petition for adoption will be filed, or if the petition for adoption has been filed in the circuit court where the petition is pending.

(c) Payments under this Section shall be permitted only in those circumstances where there is a demonstrated need for the payment of such expenses to protect the health of the biological parents or the health of the child sought to be adopted.

(d) Payment of their reasonable living expenses, as provided in this Section, shall not obligate the biological parents to place the child for adoption. In the event the biological parents choose not to place the child for adoption, the petitioners shall have no right to seek reimbursement from the biological parents, or from any relative or associate of the biological parents, of moneys paid to, or on behalf of, the biological parents pursuant to a court order under this Section.

(d-5) No person or entity shall offer, provide, or co-sign a loan or any other credit accommodation, directly or indirectly, with a biological parent or a relative or associate of a biological parent based on the contingency of a surrender or placement of a child for adoption.

(e) Within 14 days after the completion of all payments for reasonable living expenses of the biological parents under this Section, the petitioners shall present a final accounting of all those expenses to the court. The accounting shall include vouchers for all moneys expended, copies of all checks written, and receipts for all cash payments. The accounting shall also include the verified statements of the petitioners, each attorney of record, and the biological parents or parents to whom or on whose behalf the payments were made attesting to the accuracy of the accounting.

(f) If the placement of a child for adoption is made in accordance with the Interstate Compact on the Placement of Children, and if the sending state permits the payment of any expenses of biological parents that are not permitted under this Act, then the payment of those expenses shall not be a violation of this Act. In that event, the petitioners shall file an accounting of all payments of the expenses of the biological parent or parents with the court in which the petition for adoption is filed or is to be filed. The accounting shall include a copy of the statutory provisions of the sending state that permit payments in addition to those permitted by this Act and a copy of all orders entered in the sending state that relate to expenses of the biological parents paid by the petitioners in the sending state.

(g) The petitioners shall be permitted to pay the reasonable attorney's fees of the biological parents' attorney in connection with proceedings under this Act or in connection with proceedings for the adoption of the child. The attorney's fees shall be paid only after a petition seeking leave to pay those fees is filed with the court in which the adoption proceeding is filed or to be filed. The court shall review the petition for leave to pay attorney's fees, and if the court determines that the fees requested are reasonable, the court shall permit the petitioners to pay them. If the court determines that the fees requested are not reasonable, the court shall determine and set the reasonable attorney's fees of the biological parents' attorney which may be paid by the petitioners.

(h) The court may appoint a guardian ad litem for an unborn child to represent the interests of the child in proceedings under this Section.

(i) The provisions of this Section apply to a person who has filed or intends to file a petition to adopt a child under the Adoption Act. This Section does not apply to a licensed child welfare agency, as that term is defined in the Child Care Act of 1969, whose payments are governed by the Child Care Act of 1969 and the Department rules adopted thereunder.

(Source: P.A. 93-1063, eff. 6-1-05.)

(720 ILCS 525/4.9 new)

Sec. 4.9. Injunctive relief. Whenever it appears that any person, agency, association, corporation, institution, society, or other organization is engaged or about to engage in any acts or practices that constitute or will constitute a violation of this Act or any rule adopted under the authority of this Act, the Department shall inform the Attorney General and the State's Attorney of the appropriate county. Under such circumstances, the Attorney General or the State's Attorney may initiate injunction proceedings. Upon a proper showing, any circuit court may enter a permanent or preliminary injunction or temporary restraining order without bond to enforce this Act or any rule adopted under this Act in addition to any other penalties and other remedies provided in this Act.

Section 15. The Adoption Act is amended by changing Sections 4.1, 10, and 21 as follows:

(750 ILCS 50/4.1) (from Ch. 40, par. 1506)

Sec. 4.1. Except for children placed with relatives by the Department of Children and Family Services pursuant to subsection (b) of Section 7 of the Children and Family Services Act, placements under this Act shall comply with the Child Care Act of 1969 and the Interstate Compact on the Placement of Children. Placements of children born outside the United States or a territory thereof shall comply with rules promulgated by the United States Department of Immigration and Naturalization.

Rules promulgated by the Department of Children and Family Services shall include but not be limited to the following:

(a) Any agency providing adoption services as defined in Section 2.24 of the Child Care Act of 1969 which places such children for adoption in this State:

(i) Shall be licensed in this State as a child welfare agency as defined in Section 2.08 of the Child Care Act of 1969; or

(ii) Shall be licensed as a child placement agency in a state which is a party to the Interstate Compact on the Placement of Children; or

(iii) Shall be licensed as a child placement agency in a country other than the United States or, if located in such a country but not so licensed, shall provide information such as a license or court document which authorizes that agency to place children for adoption and to establish that such agency has legal authority to place children for adoption; or

(iv) Shall be a child placement agency which is so licensed in a non-compact state, if such agency first files with the Department of Children and Family Services a bond with surety in the amount of \$5,000 for each such child to ensure that such child shall not become a public charge upon this State. Such bond shall remain in effect until a judgment for adoption is entered with respect to such child pursuant to this Act. The Department of Children and Family Services may accept, in lieu of such bond, a written agreement with such agency which provides that such agency shall be liable for all costs associated with the placement of such child in the event a judgement of adoption is not entered, upon such terms and conditions as the Department deems appropriate.

The rules shall also provide that any agency that places children for adoption in this State may not, in any policy or practice relating to the placement of children for adoption, discriminate against any child or prospective adoptive parent on the basis of race.

(b) As an alternative to requiring the bond provided for in paragraph (a)(iv) of this Section, the Department of Children and Family Services may require the filing of such a bond by the individual or individuals seeking to adopt such a child through placement of such child by a child placement agency located in a state which is not a party to the Interstate Compact on the Placement of Children.

(c) In the case of any foreign-born child brought to the United States for adoption in this State, the following preadoption requirements shall be met:

(1) Documentation that the child is legally free for adoption prior to entry into the United States shall be submitted.

(2) A medical report on the child, by authorized medical personnel in the country of the child's origin, shall be provided when such personnel are available.

(3) Verification that the adoptive family has been licensed as a foster family home pursuant to the Child Care Act of 1969, as now or hereafter amended, shall be provided.

(4) A valid home study conducted by a licensed child welfare agency that complies with guidelines established by the United States Immigration and Naturalization Service at 8 CFR 204.4(d)(2)(i), as now or hereafter amended, shall be submitted. A home study is considered valid if it contains:

(i) A factual evaluation of the financial, physical, mental and moral capabilities of the prospective parent or parents to rear and educate the child properly.

(ii) A detailed description of the living accommodations where the prospective parent or parents currently reside.

(iii) A detailed description of the living accommodations in the United States where the child will reside, if known.

(iv) A statement or attachment recommending the proposed adoption signed by an official of the child welfare agency which has conducted the home study.

(5) The placing agency located in a non-compact state or a family desiring to adopt through an authorized placement party in a non-compact state or a foreign country shall file with the Department of Children and Family Services a bond with surety in the amount of \$5,000 as protection that a foreign-born child accepted for care or supervision not become a public charge upon the State of Illinois.

(6) In lieu of the \$5,000 bond, the placement agency may sign a binding agreement with the Department of Children and Family Services to assume full liability for all placements should, for any reason, the adoption be disrupted or not be completed, including financial and planning responsibility until the child is either returned to the country of its origin or placed with a new adoptive family in the United States and that adoption is finalized.

(7) Compliance with the requirements of the Interstate Compact on the Placement of Children, when applicable, shall be demonstrated.

(8) When a child is adopted in a foreign country and a final, complete and valid Order of Adoption is issued in that country, as determined by both the United States Department of State and the United States Department of Justice, this State shall not impose any additional preadoption requirements. The adoptive family, however, must comply with applicable requirements of the United States Department of Immigration and Naturalization as provided in 8 CFR 204.4 (d)(2)(ii), as now or hereafter amended.

(d) The Department of Children and Family Services shall maintain the office of Intercountry Adoption Coordinator, shall maintain and protect the rights of families and children participating in adoption of foreign born children, and shall develop ongoing programs of support and services to such families and children. The Intercountry Adoption Coordinator shall determine that all preadoption requirements have been met and report such information to the Department of Immigration and Naturalization.

(Source: P.A. 89-21, eff. 7-1-95; 89-422; 89-626, eff. 8-9-96.)

(750 ILCS 50/10) (from Ch. 40, par. 1512)

Sec. 10. Forms of consent and surrender; execution and acknowledgment thereof. A. The form of consent required for the adoption of a born child shall be substantially as follows:

FINAL AND IRREVOCABLE CONSENT TO ADOPTION

I, ..., (relationship, e.g., mother, father, relative, guardian) of ..., a ...male child, state:

That such child was born on at

That I reside at ..., County of and State of

That I am of the age of years.

That I hereby enter my appearance in this proceeding and waive service of summons on me.

That I do hereby consent and agree to the adoption of such child.

That I wish to and understand that by signing this consent I do irrevocably and permanently give up all custody and other parental rights I have to such child.

That I understand such child will be placed for adoption and that I cannot under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over such child. That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

.....

If under Section 8 the consent of more than one person is required, then each such person shall execute a separate consent.

B. The form of consent required for the adoption of an unborn child shall be substantially as follows:

CONSENT TO ADOPTION OF UNBORN CHILD

I, ..., state:

That I am the father of a child expected to be born on or about to (name of mother).

That I reside at County of ..., and State of

That I am of the age of years.

That I hereby enter my appearance in such adoption proceeding and waive service of summons on me.

That I do hereby consent and agree to the adoption of such child, and that I have not previously executed a consent or surrender with respect to such child.

That I wish to and do understand that by signing this consent I do irrevocably and permanently give up all custody and other parental rights I have to such child, except that I have the right to revoke this consent by giving written notice of my revocation not later than 72 hours after the birth of the child.

That I understand such child will be placed for adoption and that, except as hereinabove provided, I cannot under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over such child.

That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

.....
B-5. (1) The parent of a child may execute a consent to standby adoption by a specified person or persons. A consent under this subsection B-5 shall be acknowledged by a parent pursuant to subsection H and subsection K of this Section. The form of consent required for the standby adoption of a born child effective at a future date when the consenting parent of the child dies or requests that a final judgment of adoption be entered shall be substantially as follows:

FINAL AND IRREVOCABLE CONSENT
TO STANDBY ADOPTION

I, ..., (relationship, e.g. mother or father) of ..., a ...male child, state:

That the child was born on ... at

That I reside at ..., County of ..., and State of

That I am of the age of ... years.

That I hereby enter my appearance in this proceeding and waive service of summons on me in this action only.

That I do hereby consent and agree to the standby adoption of the child, and that I have not previously executed a consent or surrender with respect to the child.

That I wish to and understand that by signing this consent I do irrevocably and permanently give up all custody and other parental rights I have to the child, effective upon (my death) (the child's other parent's death) or upon (my) (the other parent's) request for the entry of a final judgment for adoption if (specified person or persons) adopt my child.

That I understand that until (I die) (the child's other parent dies), I retain all legal rights and obligations concerning the child, but at that time, I irrevocably give all custody and other parental rights to (specified person or persons).

I understand my child will be adopted by (specified person or persons) only and that I cannot, under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over my child if (specified person or persons) adopt my child.

I understand that this consent to standby adoption is valid only if the petition for standby adoption is filed and that if (specified person or persons), for any reason, cannot or will not file a petition for standby adoption or if his, her, or their petition for standby adoption is denied, then this consent is void. I have the right to notice of any other proceeding that could affect my parental rights.

That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

.....

If under Section 8 the consent of more than one person is required, then each such person shall execute a separate consent. A separate consent shall be executed for each child.

(2) If the parent consents to a standby adoption by 2 specified persons, then the form shall contain 2 additional paragraphs in substantially the following form:

If (specified persons) obtain a judgment of dissolution of marriage before the judgment for adoption is entered, then (specified person) shall adopt my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody of my child if (specified persons) obtain a judgment of dissolution of marriage and (specified person) adopts my child. I understand that I cannot change my mind and revoke this consent if (specified persons) obtain a judgment of dissolution of marriage before the adoption is final. I understand that this consent to adoption has no effect on who will get custody of my child if (specified persons) obtain a judgment of dissolution of marriage after the adoption is final. I understand that if either (specified persons) dies before the petition to adopt my child is granted, then the surviving person may adopt my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody of my child if the surviving person adopts my child.

A consent to standby adoption by specified persons on this form shall have no effect on a court's determination of custody or visitation under the Illinois Marriage and Dissolution of Marriage Act if the marriage of the specified persons is dissolved before the adoption is final.

(3) The form of the certificate of acknowledgement for a Final and Irrevocable Consent for Standby Adoption shall be substantially as follows:

STATE OF)

) SS.

COUNTY OF)

I, (name of Judge or other person) (official title, name, and address), certify that, personally known to me to be the same person whose name is subscribed to the foregoing Final and Irrevocable Consent to Standby Adoption, appeared before me this day in person and acknowledged that (she) (he) signed and delivered the consent as (her) (his) free and voluntary act, for the specified purpose.

I have fully explained that this consent to adoption is valid only if the petition to adopt is filed, and that if the specified person or persons, for any reason, cannot or will not adopt the child or if the adoption petition is denied, then this consent will be void. I have fully explained that if the specified person or persons adopt the child, by signing this consent (she) (he) is irrevocably and permanently relinquishing all parental rights to the child, and (she) (he) has stated that such is (her) (his) intention and desire.

Dated (insert date).

Signature.....

(4) If a consent to standby adoption is executed in this form, the consent shall be valid only if the specified person or persons adopt the child. The consent shall be void if:

- (a) the specified person or persons do not file a petition for standby adoption of the child; or
- (b) a court denies the standby adoption petition.

The parent shall not need to take further action to revoke the consent if the standby adoption by the specified person or persons does not occur, notwithstanding the provisions of Section 11 of this Act.

C. The form of surrender to any agency given by a parent of a born child who is to be subsequently placed for adoption shall be substantially as follows and shall contain such other facts and statements as the particular agency shall require.

FINAL AND IRREVOCABLE SURRENDER
FOR PURPOSES OF ADOPTION

I, (relationship, e.g., mother, father, relative, guardian) of, a ..male child, state:

That such child was born on, at

That I reside at, County of, and State of

That I am of the age of years.

That I do hereby surrender and entrust the entire custody and control of such child to the (the "Agency"), a (public) (licensed) child welfare agency with its principal office in the City of, County of and State of, for the purpose of enabling it to care for and supervise the care of such child, to place such child for adoption and to consent to the legal adoption of such child.

That I hereby grant to the Agency full power and authority to place such child with any person or persons it may in its sole discretion select to become the adopting parent or parents and to consent to the legal adoption of such child by such person or persons; and to take any and all measures which, in the judgment of the Agency, may be for the best interests of such child, including authorizing medical, surgical and dental care and treatment including inoculation and anaesthesia for such child.

That I wish to and understand that by signing this surrender I do irrevocably and permanently give up all custody and other parental rights I have to such child.

That I understand I cannot under any circumstances, after signing this surrender, change my mind and revoke or cancel this surrender or obtain or recover custody or any other rights over such child.

That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

.....
D. The form of surrender to an agency given by a parent of an unborn child who is to be subsequently placed for adoption shall be substantially as follows and shall contain such other facts and statements as the particular agency shall require.

SURRENDER OF UNBORN CHILD FOR
PURPOSES OF ADOPTION

I, (father), state:

That I am the father of a child expected to be born on or about to (name of mother).

That I reside at, County of, and State of

That I am of the age of years.

That I do hereby surrender and entrust the entire custody and control of such child to the (the "Agency"), a (public) (licensed) child welfare agency with its principal office in the City of, County of and State of, for the purpose of enabling it to care for and supervise the care of such child, to place such child for adoption and to consent to the legal adoption of such child, and that I have not previously

executed a consent or surrender with respect to such child.

That I hereby grant to the Agency full power and authority to place such child with any person or persons it may in its sole discretion select to become the adopting parent or parents and to consent to the legal adoption of such child by such person or persons; and to take any and all measures which, in the judgment of the Agency, may be for the best interests of such child, including authorizing medical, surgical and dental care and treatment, including inoculation and anaesthesia for such child.

That I wish to and understand that by signing this surrender I do irrevocably and permanently give up all custody and other parental rights I have to such child.

That I understand I cannot under any circumstances, after signing this surrender, change my mind and revoke or cancel this surrender or obtain or recover custody or any other rights over such child, except that I have the right to revoke this surrender by giving written notice of my revocation not later than 72 hours after the birth of such child.

That I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

E. The form of consent required from the parents for the adoption of an adult, when such adult elects to obtain such consent, shall be substantially as follows:

CONSENT

I, ..., (father) (mother) of ..., an adult, state:

That I reside at ..., County of ... and State of

That I do hereby consent and agree to the adoption of such adult by ... and

Dated (insert date).

F. The form of consent required for the adoption of a child of the age of 14 years or upwards, or of an adult, to be given by such person, shall be substantially as follows:

CONSENT

I, ..., state:

That I reside at ..., County of ... and State of That I am of the age of ... years. That I consent and agree to my adoption by ... and

Dated (insert date).

G. The form of consent given by an agency to the adoption by specified persons of a child previously surrendered to it shall set forth that the agency has the authority to execute such consent. The form of consent given by a guardian of the person of a child sought to be adopted, appointed by a court of competent jurisdiction, shall set forth the facts of such appointment and the authority of the guardian to execute such consent.

H. A consent (other than that given by an agency, or guardian of the person of the child sought to be adopted appointed by a court of competent jurisdiction) shall be acknowledged by a parent before the presiding judge of the court in which the petition for adoption has been, or is to be filed or before any other judge or hearing officer designated or subsequently approved by the court, or the circuit clerk if so authorized by the presiding judge or, except as otherwise provided in this Act, before a representative of the Department of Children and Family Services or a licensed child welfare agency, or before social service personnel under the jurisdiction of a court of competent jurisdiction, or before social service personnel of the Cook County Department of Supportive Services designated by the presiding judge.

I. A surrender, or any other document equivalent to a surrender, by which a child is surrendered to an agency shall be acknowledged by the person signing such surrender, or other document, before a judge or hearing officer or the clerk of any court of record, either in this State or any other state of the United States, or before a representative of an agency or before any other person designated or approved by the presiding judge of the court in which the petition for adoption has been, or is to be, filed.

J. The form of the certificate of acknowledgment for a consent, a surrender, or any other document equivalent to a surrender, shall be substantially as follows:

STATE OF ...)

) SS.

COUNTY OF ...)

I, ... (Name of judge or other person), ... (official title, name and location of court or status or position of other person), certify that ..., personally known to me to be the same person whose name is subscribed to the foregoing (consent) (surrender), appeared before me this day in person and acknowledged that (she)

(he) signed and delivered such (consent) (surrender) as (her) (his) free and voluntary act, for the specified purpose.

I have fully explained that by signing such (consent) (surrender) (she) (he) is irrevocably relinquishing all parental rights to such child or adult and (she) (he) has stated that such is (her) (his) intention and desire.

Dated (insert date).

Signature

K. When the execution of a consent or a surrender is acknowledged before someone other than a judge or the clerk of a court of record, such other person shall have his signature on the certificate acknowledged before a notary public, in form substantially as follows:

STATE OF)

) SS.

COUNTY OF ...)

I, a Notary Public, in and for the County of, in the State of, certify that, personally known to me to be the same person whose name is subscribed to the foregoing certificate of acknowledgment, appeared before me in person and acknowledged that (she) (he) signed such certificate as (her) (his) free and voluntary act and that the statements made in the certificate are true.

Dated (insert date).

Signature Notary Public
(official seal)

There shall be attached a certificate of magistracy, or other comparable proof of office of the notary public satisfactory to the court, to a consent signed and acknowledged in another state.

L. A surrender or consent executed and acknowledged outside of this State, either in accordance with the law of this State or in accordance with the law of the place where executed, is valid, provided that the surrender or consent is neither executed nor acknowledged prior to 72 hours after the birth of the child, that any travel or accommodations outside of the State provided by the receiving agency or party in the receiving state to a biological parent or parents for purposes of signing a surrender or consent (i) is provided no less than 72 hours after the birth of the child and (ii) includes return travel by the same mode of transportation, and that the travel arrangements have been approved in advance of departure by the Illinois Interstate Compact for the Placement of Children Office.

M. Where a consent or a surrender is signed in a foreign country, the execution of such consent shall be acknowledged or affirmed in a manner conformable to the law and procedure of such country.

N. If the person signing a consent or surrender is in the military service of the United States, the execution of such consent or surrender may be acknowledged before a commissioned officer and the signature of such officer on such certificate shall be verified or acknowledged before a notary public or by such other procedure as is then in effect for such division or branch of the armed forces.

O. (1) The parent or parents of a child in whose interests a petition under Section 2-13 of the Juvenile Court Act of 1987 is pending may, with the approval of the designated representative of the Department of Children and Family Services, execute a consent to adoption by a specified person or persons:

- (a) in whose physical custody the child has resided for at least 6 months; or
- (b) in whose physical custody at least one sibling of the child who is the subject of this consent has resided for at least 6 months, and the child who is the subject of this consent is currently residing in this foster home; or
- (c) in whose physical custody a child under one year of age has resided for at least 3 months.

A consent under this subsection O shall be acknowledged by a parent pursuant to subsection H and subsection K of this Section.

(2) The consent to adoption by a specified person or persons shall have the caption of the proceeding in which it is to be filed and shall be substantially as follows:

FINAL AND IRREVOCABLE CONSENT TO ADOPTION BY
A SPECIFIED PERSON OR PERSONS

I,, the (mother or father) of amale child, state:

- 1. My child (name of child) was born on (insert date) at Hospital in County, State of
- 2. I reside at, County of and State of
- 3. I,, am years old.

4. I enter my appearance in this action to adopt my child by the person or persons specified herein by me and waive service of summons on me in this action only.

5. I consent to the adoption of my child by (specified person or persons) only.

6. I wish to sign this consent and I understand that by signing this consent I irrevocably and permanently give up all parental rights I have to my child if my child is adopted by (specified person or persons).

7. I understand my child will be adopted by (specified person or persons) only and that I cannot under any circumstances, after signing this document, change my mind and revoke or cancel this consent or obtain or recover custody or any other rights over my child if (specified person or persons) adopt my child.

8. I understand that this consent to adoption is valid only if the petition to adopt is filed within one year from the date that I sign it and that if (specified person or persons), for any reason, cannot or will not file a petition to adopt my child within that one year period or if their adoption petition is denied, then this consent will be voidable after one year upon the timely filing of my motion. If I file this motion before the filing of the petition for adoption, I understand that the court shall revoke this specific consent. I have the right to notice of any other proceeding that could affect my parental rights, except for the proceeding for (specified person or persons) to adopt my child.

9. I have read and understand the above and I am signing it as my free and voluntary act.

Dated (insert date).

.....

Signature of parent

(3) If the parent consents to an adoption by 2 specified persons, then the form shall contain 2 additional paragraphs in substantially the following form:

10. If (specified persons) get a divorce before the petition to adopt my child is granted, then (specified person) shall adopt my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody over my child if (specified persons) divorce and (specified person) adopts my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody over my child if (specified persons) divorce after the adoption is final. I understand that this consent to adoption has no effect on who will get custody of my child if they divorce after the adoption is final.

11. I understand that if either (specified persons) dies before the petition to adopt my child is granted, then the surviving person can adopt my child. I understand that I cannot change my mind and revoke this consent or obtain or recover custody over my child if the surviving person adopts my child.

A consent to adoption by specified persons on this form shall have no effect on a court's determination of custody or visitation under the Illinois Marriage and Dissolution of Marriage Act if the marriage of the specified persons is dissolved after the adoption is final.

(4) The form of the certificate of acknowledgement for a Final and Irrevocable Consent for Adoption by a Specified Person or Persons shall be substantially as follows:

STATE OF.....)

) SS.

COUNTY OF.....)

I, (Name of Judge or other person), (official title, name, and address), certify that, personally known to me to be the same person whose name is subscribed to the foregoing Final and Irrevocable Consent for Adoption by a Specified Person or Persons, appeared before me this day in person and acknowledged that (she)(he) signed and delivered the consent as (her)(his) free and voluntary act, for the specified purpose.

I have fully explained that this consent to adoption is valid only if the petition to adopt is filed within one year from the date that it is signed, and that if the specified person or persons, for any reason, cannot or will not adopt the child or if the adoption petition is denied, then this consent will be voidable after one year upon the timely filing of a motion by the parent to revoke the consent. I explained that if this motion is filed before the filing of the petition for adoption, the court shall revoke this specific consent. I have fully explained that if the specified person or persons adopt the child, by signing this consent this parent is

irrevocably and permanently relinquishing all parental rights to the child, and this parent has stated that such is (her)(his) intention and desire.

Dated (insert date).

.....

Signature

(5) If a consent to adoption by a specified person or persons is executed in this form, the following provisions shall apply. The consent shall be valid only if that specified person or persons adopt the child. The consent shall be voidable after one year if:

- (a) the specified person or persons do not file a petition to adopt the child within one year after the consent is signed and the parent files a timely motion to revoke this consent. If this motion is filed before the filing of the petition for adoption the court shall revoke this consent; or
- (b) a court denies the adoption petition; or
- (c) the Department of Children and Family Services Guardianship Administrator determines that the specified person or persons will not or cannot complete the adoption, or in the best interests of the child should not adopt the child.

Within 30 days of the consent becoming void, the Department of Children and Family Services Guardianship Administrator shall make good faith attempts to notify the parent in writing and shall give written notice to the court and all additional parties in writing that the adoption has not occurred or will not occur and that the consent is void. If the adoption by a specified person or persons does not occur, no proceeding for termination of parental rights shall be brought unless the biological parent who executed the consent to adoption by a specified person or persons has been notified of the proceeding pursuant to Section 7 of this Act or subsection (4) of Section 2-13 of the Juvenile Court Act of 1987. The parent shall not need to take further action to revoke the consent if the specified adoption does not occur, notwithstanding the provisions of Section 11 of this Act.

(6) The Department of Children and Family Services is authorized to promulgate rules necessary to implement this subsection O.

(7) The Department shall collect and maintain data concerning the efficacy of specific consents. This data shall include the number of specific consents executed and their outcomes, including but not limited to the number of children adopted pursuant to the consents, the number of children for whom adoptions are not completed, and the reason or reasons why the adoptions are not completed.

(Source: P.A. 92-320, eff. 1-1-02; 93-732, eff. 1-1-05.)

(750 ILCS 50/21) (from Ch. 40, par. 1526)

Sec. 21. Compensation for placing of children prohibited.

No person, agency, association, corporation, institution, society or other organization, except a child welfare agency as defined by the "Child Care Act", approved July 10, 1957, as now or hereafter amended, shall receive or accept, or pay or give any compensation or thing of value, directly or indirectly, for providing adoption services, as that term is defined in the Child Care Act of 1969, including placing out of a child as is more specifically provided in "An Act to prevent the payment or receipt of compensation for placing out children for adoption or for the purpose of providing care", approved July 14, 1955, as now or hereafter amended.

(Source: Laws, 1959, p. 1269.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

The foregoing motion prevailed and Amendment No. 1 was adopted.

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

HOUSE BILL 1272. Having been reproduced, was taken up and read by title a second time.

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

Representative Younge offered and withdrew Amendment No. 2.

Representative Younge offered the following amendment and moved its adoption:

AMENDMENT NO. 3. Amend House Bill 1272 on page 2, line 35, by replacing "13" with "18"; and on page 3, by inserting between lines 31 and 32, the following:

- "(14) A member representing the retail industry.
 - (15) A member representing the service industry.
 - (16) A member representing the industrial, production, and manufacturing sectors.
 - (17) A member representing the advertising and marketing industry.
 - (18) A member representing the technology services industry."; and
- by replacing line 36 on page 3 and line 1 on page 4 with "compensation."

The foregoing motion prevailed and Amendment No. 3 was adopted.

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

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 273, 274, 275, 276, 277, 279, 281, 282, 283, 284, 285, 287, 288, 289 and HOUSE JOINT RESOLUTION 36 were taken up for consideration.

Representative Turner moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

ADJOURNMENT RESOLUTION 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 adopted the following Senate Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE JOINT RESOLUTION NO. 36

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the two Houses adjourn on Friday, April 08, 2005, the Senate stands adjourned until Monday, April 11, 2005 at 12:00 o'clock noon; and the House of Representatives stands adjourned until Monday, April 11, 2005, at 2:00 o'clock p.m.

Adopted by the Senate, April 8, 2005.

Linda Hawker, Secretary of the Senate

Representative Turner moved the adoption of the resolution.

The motion prevailed and SENATE JOINT RESOLUTION 36 was adopted.

Ordered that the Clerk inform the Senate.

At the hour of 1:19 o'clock p.m., Representative Turner moved that the House do now adjourn, allowing perfunctory time for the Clerk.

The motion prevailed.

[April 8, 2005]

76

And in accordance therewith and pursuant to SENATE JOINT RESOLUTION 36, the House stood adjourned until Monday, April 11, 2008, at 2:00 o'clock p.m.

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL CALL FOR ATTENDANCE

April 08, 2005

0 YEAS

0 NAYS

109 PRESENT

E Acevedo	P Delgado	P Lang	P Poe
P Bailey	P Dugan	P Leitch	P Pritchard
P Bassi	P Dunkin	P Lindner	P Reis
P Beaubien	P Dunn	P Lyons, Eileen	P Reitz
P Beiser	P Eddy	P Lyons, Joseph	P Rita
P Bellock	P Feigenholtz	P Mathias	P Rose
P Berrios	P Flider	P Mautino	P Ryg
P Biggins	P Flowers	P May	P Sacia
E Black	P Franks	P McAuliffe	P Saviano
E Boland	P Fritchey	P McCarthy	P Schmitz
E Bost	P Froehlich	P McGuire	P Schock
P Bradley, John	P Giles	E McKeon	P Scully
P Bradley, Richard	P Gordon	P Mendoza	P Smith
P Brady	P Graham	P Meyer	P Sommer
P Brauer	P Granberg	P Miller	P Soto
P Brosnahan	P Hamos	P Millner	P Stephens
P Burke	P Hannig	P Mitchell, Bill	P Sullivan
P Chapa LaVia	P Hassert	P Mitchell, Jerry	P Tenhouse
P Chavez	P Hoffman	P Moffitt	P Tryon
P Churchill	P Holbrook	P Molaro	P Turner
P Collins	P Howard	P Mulligan	P Verschoore
P Colvin	P Hultgren	E Munson	P Wait
P Coulson	P Jakobsson	P Myers	P Washington
P Cross	P Jefferson	P Nekritz	P Watson
P Cultra	P Jenisch	P Osmond	P Winters
E Currie	P Jones	P Osterman	P Yarbrough
P D'Amico	P Joyce	P Parke	P Younge
P Daniels	P Kelly	P Patterson	A Mr. Speaker
P Davis, Monique	E Kosel	P Phelps	
P Davis, William	P Krause	P Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 2411
 CD CORR-METH PILOT PROGRAM
 THIRD READING
 PASSED

April 08, 2005

109 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 1541
 SCH CD-SCH HLTH RECOG PROG
 THIRD READING
 PASSED

April 08, 2005

109 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 1448
 MHDD-CHILD SUBSTANCE ABUSE
 THIRD READING
 PASSED

April 08, 2005

109 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3874
 CRIM CD- CONTRACT MISCONDUCT
 THIRD READING
 PASSED

April 08, 2005

108 YEAS

1 NAY

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
N Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 1469
 CD-VICTIM TRAFFICKING
 THIRD READING
 PASSED

April 08, 2005

108 YEAS

0 NAYS

1 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	P Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 2512
 STATE PROMPT PAYMENT-PRIORITY
 THIRD READING
 PASSED

April 08, 2005

109 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 1555
 VEH CD-PARK ZONE SPEED LIMITS
 THIRD READING
 PASSED

April 08, 2005

109 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3678
SCH CD-BILINGUAL REIMBURSEMENT
THIRD READING
PASSED

April 08, 2005

109 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3554
SCH CD-DRUG TESTING
THIRD READING
PASSED

April 08, 2005

85 YEAS

24 NAYS

0 PRESENT

E Acevedo	Y Delgado	N Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	N Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	N Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	N Ryg
Y Biggins	Y Flowers	N May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	N Graham	Y Meyer	N Sommer
Y Brauer	Y Granberg	N Miller	Y Soto
Y Brosnahan	N Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	N Turner
N Collins	N Howard	Y Mulligan	Y Verschoore
N Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	N Jakobsson	Y Myers	N Washington
Y Cross	N Jefferson	N Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	N Jones	N Osterman	N Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	N Kelly	N Patterson	A Mr. Speaker
N Davis, Monique	E Kosel	Y Phelps	
N Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 1362
 FOOD, DRUG, COSM ACT-LINDANE
 THIRD READING
 PASSED

April 08, 2005

108 YEAS

0 NAYS

1 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
P Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 956
MOT VEH REV BD-FEES&UNFAIRNESS
THIRD READING
PASSED

April 08, 2005

109 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 2943
 CRIMINAL LAW-TECH
 THIRD READING
 PASSED

April 08, 2005

109 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 2920
CIVIL LAW-TECH
THIRD READING
PASSED

April 08, 2005

109 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 2550
 MILITARY-CAMP AND HUNT FEES
 THIRD READING
 PASSED

April 08, 2005

109 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 27
LOGGOV-LIQUOR REGULATION
THIRD READING
PASSED

April 08, 2005

109 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 920
 COUNTY JAIL-MEDICAL EXPENSES
 THIRD READING
 PASSED

April 08, 2005

108 YEAS

1 NAY

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	N Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1005
BOARD & CARE HOME REG-REPEAL
HOUSE BILLS
THIRD READING

April 08, 2005

109 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 2480
PUB HEALTH-SARCOIDOSIS GRANTS
THIRD READING
PASSED

April 08, 2005

108 YEAS

0 NAYS

1 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	P Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3457
 VEH CD-SENIOR DRIVER SERVICES
 THIRD READING
 PASSED

April 08, 2005

109 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 918
 SAFETY-TECH
 THIRD READING
 PASSED

April 08, 2005

109 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3577
LIQ-PRESENCE DURING INSPECTION
THIRD READING
PASSED

April 08, 2005

109 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4025
 PEN CD-ART 16-BOARD VACANCY
 THIRD READING
 PASSED

April 08, 2005

109 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1368
LOCAL GOVT-FIRE AND POL DUTY
THIRD READING
PASSED

April 08, 2005

73 YEAS

35 NAYS

1 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	N Leitch	N Pritchard
N Bassi	Y Dunkin	N Lindner	N Reis
N Beaubien	N Dunn	N Lyons, Eileen	Y Reitz
Y Beiser	N Eddy	Y Lyons, Joseph	Y Rita
N Bellock	Y Feigenholtz	N Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
N Biggins	Y Flowers	P May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	N Schmitz
E Bost	N Froehlich	Y McGuire	N Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
N Brady	Y Graham	Y Meyer	N Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	N Stephens
Y Burke	Y Hannig	N Mitchell, Bill	N Sullivan
Y Chapa LaVia	Y Hassert	N Mitchell, Jerry	Y Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	N Tryon
N Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	N Mulligan	Y Verschoore
Y Colvin	N Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	N Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	N Watson
N Cultra	N Jenisch	N Osmond	N Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
N Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	N Krause	N Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3467
 IDPH - NEEDLE EDUCATION
 THIRD READING
 PASSED

April 08, 2005

108 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	E Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 2416
ELEC CD-ELECTROCAL BD
THIRD READING
PASSED

April 08, 2005

61 YEAS

45 NAYS

1 PRESENT

E Acevedo	Y Delgado	Y Lang	N Poe
Y Bailey	Y Dugan	N Leitch	N Pritchard
N Bassi	Y Dunkin	N Lindner	N Reis
N Beaubien	N Dunn	N Lyons, Eileen	Y Reitz
Y Beiser	N Eddy	Y Lyons, Joseph	Y Rita
N Bellock	Y Feigenholtz	N Mathias	N Rose
Y Berrios	N Flider	Y Mautino	Y Ryg
N Biggins	Y Flowers	Y May	N Sacia
E Black	Y Franks	N McAuliffe	N Saviano
E Boland	Y Fritchey	Y McCarthy	N Schmitz
E Bost	Y Froehlich	Y McGuire	N Schock
Y Bradley, John	P Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	N Smith
N Brady	Y Graham	N Meyer	N Sommer
N Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	N Millner	N Stephens
Y Burke	Y Hannig	N Mitchell, Bill	N Sullivan
Y Chapa LaVia	N Hassert	N Mitchell, Jerry	E Tenhouse
Y Chavez	Y Hoffman	N Moffitt	N Tryon
N Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	A Verschoore
Y Colvin	N Hultgren	E Munson	Y Wait
N Coulson	Y Jakobsson	N Myers	Y Washington
N Cross	Y Jefferson	Y Nekritz	N Watson
N Cultra	Y Jenisch	N Osmond	N Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	N Parke	Y Younge
N Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	N Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3538
 CONDO ACT-APARTMENT CONVERSION
 THIRD READING
 PASSED

April 08, 2005

74 YEAS

33 NAYS

1 PRESENT

E Acevedo	Y Delgado	Y Lang	N Poe
Y Bailey	Y Dugan	N Leitch	N Pritchard
N Bassi	Y Dunkin	Y Lindner	N Reis
N Beaubien	N Dunn	Y Lyons, Eileen	Y Reitz
N Beiser	N Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	N Mathias	N Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	N Fritchey	Y McCarthy	N Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
N Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	N Sommer
N Brauer	Y Granberg	N Miller	Y Soto
Y Brosnahan	Y Hamos	N Millner	N Stephens
Y Burke	Y Hannig	N Mitchell, Bill	N Sullivan
P Chapa LaVia	Y Hassert	Y Mitchell, Jerry	E Tenhouse
Y Chavez	Y Hoffman	N Moffitt	N Tryon
N Churchill	N Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	N Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	N Wait
Y Coulson	Y Jakobsson	N Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
N Cultra	Y Jenisch	N Osmond	N Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	N Parke	Y Younge
N Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3785
 WILDLIFE PENALTIES
 THIRD READING
 PASSED

April 08, 2005

107 YEAS

1 NAY

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	E Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
N Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 1554
 RX DRUG PRICE FINDER ACT
 THIRD READING
 PASSED

April 08, 2005

108 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	E Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 769
VEH CD-UNPAID FINES&PENALTIES
THIRD READING
PASSED

April 08, 2005

108 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	E Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3606
 PROC PREFERENCE-BIOBASED
 THIRD READING
 PASSED

April 08, 2005

108 YEAS

0 NAYS

0 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	E Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	Y Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 961
HOMELESS MENTAL-DISABLED ACT
THIRD READING
PASSED

April 08, 2005

106 YEAS

0 NAYS

1 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	A Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	E Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	P Parke	Y Younge
Y Daniels	Y Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 471
 ALTERNATE FUELS - GRANTS
 THIRD READING
 PASSED

April 08, 2005

106 YEAS

0 NAYS

1 PRESENT

E Acevedo	Y Delgado	Y Lang	Y Poe
Y Bailey	Y Dugan	Y Leitch	Y Pritchard
Y Bassi	Y Dunkin	Y Lindner	Y Reis
Y Beaubien	Y Dunn	Y Lyons, Eileen	Y Reitz
Y Beiser	Y Eddy	Y Lyons, Joseph	Y Rita
Y Bellock	Y Feigenholtz	Y Mathias	Y Rose
Y Berrios	Y Flider	Y Mautino	Y Ryg
Y Biggins	Y Flowers	Y May	Y Sacia
E Black	Y Franks	Y McAuliffe	Y Saviano
E Boland	Y Fritchey	Y McCarthy	Y Schmitz
E Bost	Y Froehlich	Y McGuire	Y Schock
Y Bradley, John	Y Giles	E McKeon	Y Scully
Y Bradley, Richard	Y Gordon	Y Mendoza	Y Smith
Y Brady	Y Graham	Y Meyer	Y Sommer
Y Brauer	Y Granberg	Y Miller	Y Soto
Y Brosnahan	Y Hamos	Y Millner	Y Stephens
Y Burke	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	E Tenhouse
Y Chavez	Y Hoffman	Y Moffitt	Y Tryon
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Mulligan	Y Verschoore
Y Colvin	Y Hultgren	E Munson	Y Wait
Y Coulson	Y Jakobsson	Y Myers	Y Washington
Y Cross	Y Jefferson	Y Nekritz	Y Watson
Y Cultra	Y Jenisch	Y Osmond	Y Winters
E Currie	Y Jones	Y Osterman	Y Yarbrough
Y D'Amico	Y Joyce	P Parke	Y Younge
Y Daniels	E Kelly	Y Patterson	A Mr. Speaker
Y Davis, Monique	E Kosel	Y Phelps	
Y Davis, William	Y Krause	Y Pihos	

E - Denotes Excused Absence

36TH LEGISLATIVE DAY

Perfunctory Session

FRIDAY, APRIL 8, 2005

At the hour of 1:23 o'clock p.m., the House convened perfunctory session.

HOUSE BILLS ON SECOND READING

Having been reproduced, the following bills were taken up, read by title a second time and held on the order of Second Reading: HOUSE BILLS 2, 9, 44, 45, 121, 124, 129, 136, 164, 176, 179, 230, 231, 246, 248, 258, 265, 294, 298, 323, 360, 363, 368, 454, 461, 468, 476, 478, 480, 481, 483, 506, 542, 568, 599, 639, 666, 667, 679, 689, 690, 712, 730, 756, 764, 778, 824, 866, 868, 873, 881, 902, 911, 914, 915, 916, 928, 930, 934, 935, 936, 937, 938, 940, 943, 962, 975, 978, 1000, 1031, 1044, 1061, 1063, 1073, 1103, 1104, 1161, 1177, 1178, 1197, 1271, 1285, 1308, 1314, 1337, 1340, 1365, 1366, 1367, 1370, 1389, 1404, 1428, 1431, 1445, 1449, 1450, 1475, 1524, 1525, 1527, 1533, 1535, 1540, 1560, 1568, 1573, 1582, 1592, 1596, 1603, 1628, 1633, 1656, 1658, 1749, 1920, 2000, 2002, 2018, 2047, 2049, 2137, 2190, 2194, 2217, 2244, 2248, 2262, 2330, 2348, 2367, 2369, 2371, 2373, 2388, 2396, 2412, 2414, 2418, 2429, 2432, 2443, 2447, 2451, 2461, 2465, 2466, 2468, 2478, 2483, 2517, 2521, 2525, 2526, 2546, 2552, 2567, 2568, 2572, 2577, 2593, 2594, 2607, 2612, 2695, 2705, 2706, 2707, 2709, 2710, 2711, 2712, 2758, 2768, 2887, 2890, 2941, 2962, 2976, 2991, 3003, 3010, 3040, 3063, 3066, 3076, 3092, 3123, 3125, 3130, 3131, 3141, 3158, 3174, 3187, 3215, 3273, 3318, 3415, 3443, 3449, 3453, 3462, 3472, 3475, 3478, 3487, 3488, 3498, 3499, 3500, 3517, 3523, 3526, 3528, 3545, 3551, 3555, 3596, 3602, 3615, 3624, 3627, 3640, 3643, 3649, 3650, 3679, 3685, 3694, 3696, 3711, 3713, 3721, 3749, 3751, 3760, 3761, 3767, 3777, 3798, 3800, 3816, 3823, 3842, 3851, 3853, 3867, 3877, 4014, 4031, 4049, 4050, 4051 and 4053.

SENATE BILLS ON FIRST READING

Having been reproduced, the following bills were taken up, read by title a first time and placed in the Committee on Rules: SENATE BILLS 470 (Meyer), 478 (Saviano), 511 (Feigenholtz), 533 (Davis,W), 542 (Fritchey), 555 (Lang), 611 (Froehlich), 892 (Moffitt), 1294 (Biggins), 1458 (Feigenholtz), 1479 (Mathais), 1485 (Berrios), 1489 (Mathais), 1620 (Franks), 1627 (Hoffman), 1629 (Lyons,J), 1637 (Froehlich), 1696 (Hamos), 1697 (May), 1698 (Mathias), 1705 (Scully) and 1740 (Froehlich).

RESOLUTIONS

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

HOUSE RESOLUTION 278

Offered by Representative Lang:

WHEREAS, The House of Representatives recognizes that the abuse of steroids among America's youth has reached dangerous levels and become a national concern; and

WHEREAS, Steroid abuse was once viewed as a problem associated only with body builders and professional athletes; and

WHEREAS, Though these segments of the population continue to experience steroid abuse, use among young Americans has now reached an alarming level; and

WHEREAS, The 2003 Monitoring the Future Study conducted by the University of Michigan indicates that approximately 3.5% of American high school students have used illegal anabolic steroids at least once by grade 12, and an incredible 45% of all 12th graders did not believe taking steroids posed a great risk; and

WHEREAS, Compounding the dangerous misconception among many young people that steroid use is

harmless is the high-profile use of steroids among professional athletes, who our nation's youth often idolize and seek to emulate; and

WHEREAS, The idolization of sports heroes and the enticement of improved athletic performance have led many of our nation's youth to turn to steroids; and

WHEREAS, The negative effects of long term anabolic steroid use are well documented and include damage to the liver, kidney, and sexual organs, increased risk of heart disease, hypertension, elevated cholesterol, depression, stunted growth, eating disorders, and uncontrolled outbursts of anger, frustration, or combativeness resulting in wanton acts of violence; and

WHEREAS, The House of Representatives recognizes the increasing popularity of steroid use among young athletes and the harmful effects of such use; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that there is created a Task Force to study the use of steroids among young athletes consisting of 10 members appointed as follows: 5 members appointed by the Speaker of the House of Representatives, one of whom shall be designated by the Speaker of the House of Representatives to serve as the chairperson of the Task Force, and 5 members appointed by the Minority Leader of the House of Representatives.

HOUSE RESOLUTION 280

Offered by Representative Schmitz:

WHEREAS, The assessment of real property in one residential sub-division, community, or neighborhood by more than one assessing authority can create an inequity for the property owners in that sub-division, community, or neighborhood; and

WHEREAS, The inequity occurs because the property is assessed by more than one county; and

WHEREAS, The Constitution of the State of Illinois provides that the General Assembly may provide by law for fair apportionment of the burden of taxation of property situated in taxing districts that lie in more than one county; and

WHEREAS, A study into multiple assessing authorities needs to be initiated as soon as possible to alleviate this inequity; and

WHEREAS, A task force would be able to take time and facilitate the necessary research to look into the problem of multiple assessing authorities; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that there is created the Overlapping Multiple Assessing Authorities Task Force consisting of 8 members: 4 to be appointed by the Speaker of the House of Representatives and 4 to be appointed by the Minority Leader of the House of Representatives; in addition, the Task Force shall include as non-voting members, 4 members of the Illinois County Assessment Officers Association to be appointed by the President of the Illinois County Assessment Officers Association and a member designated by the Director of Revenue; and the Task Force members shall not receive any compensation or reimbursement; and be it further

RESOLVED, That the Task Force shall meet initially at the call of the Speaker of the House of Representatives, shall select one member as chairperson at its initial meeting, shall thereafter meet at the call of the chairperson, shall hold public hearings, shall receive the assistance of legislative staff, shall solicit the assistance of the Department of Revenue, and shall report its findings and recommendations on how to correct the problem of multiple assessing authorities to the House of Representatives by January 1, 2006; and that upon reporting to the House of Representatives, the Task Force shall be dissolved; and be it further

RESOLVED, That copies of this resolution be presented to the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Director of Revenue, and the President of the Illinois County Assessment Officers Association.

HOUSE RESOLUTION 286

Offered by Representative Richard Bradley:

WHEREAS, On July 26, 1941, when the Philippines were under the sovereignty of the United States, President Franklin D. Roosevelt, pursuant to the Philippines' Independence Act, issued an executive order that called all organized military forces of the Philippines into the service of the United States; and

WHEREAS, President Roosevelt's executive order enabled over 200,000 Filipino soldiers to be inducted into the United States Armed Forces in the Far East (USAFFE); and

WHEREAS, On December 8, 1941, just 10 hours after Japan attacked the United States at Pearl Harbor, Japan bombed United States military bases located in the Philippines and consequently brought the Filipino people into World War II; and

WHEREAS, On March 27, 1942, the United States Congress passed Title 8 of the Second War Powers Act, which granted non-citizens who served in the United States Armed Forces during the war United States citizenship status and subsequently provided every member of the USAFFE, certain individuals who served in the Commonwealth Army of the Philippines, and certain Philippine Scouts equal treatment under the law as provided by the Fourteenth Amendment to the United States Constitution; and

WHEREAS, On April 9, 1942, the United States surrendered the Philippines to Japan which led 75,000 USAFFE, Commonwealth Army of the Philippines, Philippine scouts, and other soldiers on the Bataan Death March, whereby nearly 10,000 Filipino soldiers perished in route to internment; and

WHEREAS, On September 2, 1945, Japan surrendered the Philippines back to the United States and effectively ended World War II on the islands of the Philippines; and

WHEREAS, Despite the promise to provide citizenship status and equal protection under the Fourteenth Amendment, in November 1945, the United States State Department and the United States Immigration and Naturalization Services placed a moratorium on all applications for naturalization by Filipino war veterans; and

WHEREAS, One month after the start of the moratorium, Congress passed the Rescissions Act of 1946, which proclaimed that the service of the Filipino veterans in World War II who served under President Roosevelt's Executive Order were no longer deemed to have been active military, naval, or air service for the purposes of any law of the United States; and

WHEREAS, In October 1990, nearly 45 years after the passage of the Rescissions Act, the Congress passed and President George H.W. Bush signed into law, the 1990 Immigration and Naturalization Act which finally granted United States citizenship status to all Filipino veterans; and

WHEREAS, Despite being granted citizenship status, surviving Filipino-American veterans have not been provided equal treatment, recognition, or benefits for their service; and

WHEREAS, As of September 2004, the number of surviving Filipino-American veterans was approximately 28,000 (8,000 of whom live in the United States); however, this total is less than one-half of Filipino-American veterans estimated to be living just four years ago and the numbers continue to decline rapidly as nearly all of the veterans are in their 70s and 80s; and

WHEREAS, Many of these veterans are disabled, low income, and in desperate need of existing services available to other veterans and that were promised to them approximately 60 years ago; and

WHEREAS, These Filipino-American veterans served the United States during World War II and came to our aid in a time of need and the failure to pay these benefits reflects poorly on the honor of our country; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the President and the Congress of the United States to honor the contributions of our Filipino-American veterans and direct the federal government to immediately pay them the veteran's benefits as promised; and be it further

RESOLVED, That copies of this resolution be presented to the President of the United States, to the Speaker of the United States House of Representatives, to the President Pro Tempore of the Senate, and to each member of the Illinois Congressional Delegation.

HOUSE JOINT RESOLUTION 37

Offered by Representative Collins:

WHEREAS, As elected officials of the State of Illinois, we have an obligation to uphold the laws that govern the State of Illinois, the Constitution of the United States of America, and all international treaties to which the United States is party, including the Geneva Conventions of 1949, the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading

Treatment or Punishment, and related standards of international human rights; and

WHEREAS, The use of torture and other cruel, inhuman, or degrading treatment upon any person under the physical control of and inflicted by any federal authority, including civilian contractors, constitutes a violation of the law of nations in that customary international law prohibits torture as reflected, expressed, and defined in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities; and

WHEREAS, The use of torture and other cruel, inhuman, or degrading treatment upon any person under the physical control of and inflicted by any federal authority, including civilian contractors, constitutes a violation of the United States Constitution; these acts of mistreatment constitute a violation of the Fifth Amendment and of the Eighth Amendment's prohibition on cruel and unusual punishment; and

WHEREAS, The use of torture and other cruel, inhuman, or degrading treatment upon any person under the physical control of and inflicted by any federal authority, including civilian contractors, constitutes a violation of specific protections afforded by the Third and Fourth Geneva Conventions, including, but not limited to, Article 3 common to all 4 Geneva Conventions; violations of Article 3 of the Geneva Conventions are treaty violations as well as violations of customary international law; and

WHEREAS, The use of torture and other cruel, inhuman, or degrading treatment upon any person under the physical control of and inflicted by any federal authority, including civilian contractors, constitutes a violation of Articles 7 and 10 of the International Covenant on Civil and Political Rights (ICCPR); violations of these provisions of ICCPR are treaty violations as well as violations of customary international law; and

WHEREAS, The use of torture and other cruel, inhuman, or degrading treatment upon any person under the physical control of and inflicted by any federal authority, including civilian contractors, constitutes a violation of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT), and where applicable also constitute a violation of Section 2340A of Chapter 18 of the United States Code, enacted by Congress to fulfill obligations under CAT; violations of CAT are treaty violations as well as violations of customary international law; and

WHEREAS, The use of torture and other cruel, inhuman, or degrading treatment as a method of extracting intelligence information may lead to inaccurate and misleading information; the Army Field Manual on Intelligence Interrogation states, "the use of torture and other illegal methods is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say what he thinks the interrogator wants to hear"; and

WHEREAS, The use of torture and other cruel, inhuman, or degrading treatment upon a foreign national in the custody of the United States may have the effect of radicalizing the victim's own moderate political, social, or religious ideologies; these acts of mistreatment may also have the effect of radicalizing the ideologies of the society from where the victim originates, and radicalized ideologies may increase the threat of terrorism against Americans; and

WHEREAS, The use of torture and other cruel, inhuman, or degrading treatment upon a foreign national in the custody of the United States may increase the likelihood that kidnapped or captured American citizens and military personnel will be subjected to similar acts of mistreatment; the U. S. Army Field Manual on Intelligence and Interrogation states, "[The use of torture and other illegal methods] may also place U.S. and allied personnel in enemy hands at a greater risk of abuse by their captors"; and

WHEREAS, The use of torture and other cruel, inhuman, or degrading treatment undermines the rule of law and delegitimizes the United States government as an advocate for democracy; the U.S. Army Field Manual on Intelligence Interrogation states, "Revelation of use of torture by U.S. personnel will bring discredit upon the U.S. and its armed forces while undermining domestic and international support for the war effort"; and

WHEREAS, The U.S. Army Field Manual on Intelligence and Interrogation states that binding international treaties and United States policy "expressly prohibit acts of violence or intimidation, including physical or mental torture, threats, insults, or exposure to inhumane treatment as a means of or aid to interrogation. Such illegal acts are not authorized and will not be condoned by the U.S. Army."; the Manual specifically defines physical torture to include "infliction of pain through chemicals or bondage", "forcing an individual to stand, sit or kneel in abnormal positions for prolonged periods of time", "food deprivation", and "any form of beating"; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we condemn the use of torture and all cruel, inhuman, or degrading treatment upon any person under the physical control of any federal authority, including civilian contractors; and be it further

[April 8, 2005]

114

RESOLVED, That we call on the President of the United States and the Congress of the United States to affirm the domestic and international obligations of the United States of America to the rule of law and end the use of torture and all other cruel, inhuman, or degrading treatment as a matter of policy and to condemn the aforementioned acts of mistreatment; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, to the President pro tempore of the Senate of the Congress of the United States, and to each Senator and Representative from the State of Illinois in the Congress of the United States.

At the hour of 1:48 o'clock p.m., the House Perfunctory Session adjourned.