

**STATE OF ILLINOIS**



# **HOUSE JOURNAL**

**HOUSE OF REPRESENTATIVES**

**NINETY-FOURTH GENERAL ASSEMBLY**

**83RD LEGISLATIVE DAY**

**REGULAR & PERFUNCTORY SESSION**

**THURSDAY, JANUARY 26, 2006**

**12:12 O'CLOCK P.M.**

**HOUSE OF REPRESENTATIVES**  
**Daily Journal Index**  
**83rd Legislative Day**

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The House met pursuant to adjournment.

Representative Hannig in the chair.

Prayer by Elder Samuel White with Monroe Memorial Church of God in Christ in Alton, IL.

Representative McCarthy 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:

110 present. (ROLL CALL 1)

By unanimous consent, Representatives Bassi, Delgado, Joyce, Kosel, Mathias, Patterson and Scully were excused from attendance.

**TEMPORARY COMMITTEE ASSIGNMENTS**

Representative Mendoza replaced Representative Delgado in the Committee on Judiciary II - Criminal Law on January 26, 2006.

Representative Chapa LaVia replaced Representative Collins in the Committee on Judiciary II - Criminal Law on January 26, 2006.

**REPORTS FROM STANDING COMMITTEES**

Representative Reitz, Chairperson, from the Committee on Revenue to which the following were referred, action taken on January 26, 2006, reported the same back with the following recommendations:

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

Amendment No. 1 to HOUSE BILL 1744.

The committee roll call vote on Amendment No. 1 to House Bill 1744 is as follows:

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

- |   |                                       |
|---|---------------------------------------|
| Y Reitz,Dan(D), Chairperson               | Y Beaubien,Mark(R)                    |
| Y Biggins,Bob(R), Republican Spokesperson | Y Currie,Barbara(D), Vice-Chairperson |
| A Hannig,Gary(D)                          | Y Holbrook,Thomas(D)                  |
| Y Jenisch,Roger(R)                        | Y Krause,Carolyn(R)                   |
| Y McGuire,Jack(D)                         | Y Smith,Michael(D)                    |
| Y Sullivan,Ed(R)                          | Y Younge,Wyvetter(D)                  |

Representative McAuliffe, Chairperson, from the Committee on Veterans Affairs to which the following were referred, action taken on January 26, 2006, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 4561.

The committee roll call vote on House Bill 4561 is as follows:

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

- |  |  |
|--|--|
| Y McAuliffe,Michael(R), Chairperson        | Y Chapa LaVia,Linda(D), Vice-Chairperson |
| Y Sommer,Keith(R), Republican Spokesperson | Y Bost,Mike(R)                           |
| Y Dugan,Lisa(D)                            | A Flider,Robert(D)                       |
| Y Golar,Esther(D)                          | Y Meyer,James(R)                         |
| Y Moffitt,Donald(R)                        | Y Phelps,Brandon(D)                      |
| Y Sacia,Jim(R)                             | A Schock,Aaron(R)                        |
| Y Verschoore,Patrick(D)                    |  |

Representative Howard, Chairperson, from the Committee on Computer Technology to which the following were referred, action taken on January 26, 2006, reported the same back with the following recommendations:

That the Motion be reported "recommends be adopted" and placed on the House Calendar:  
Motion to concur with Senate Floor Amendment No. 1 to HOUSE BILL 3650.

The committee roll call vote on Motion to Concur with Senate Floor Amendment No. 1 to House Bill 3650 is as follows:

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

Y Howard,Constance(D), Chairperson	Y Hannig,Gary(D), Vice-Chairperson
Y Munson,Ruth(R), Republican Spokesperson	A Patterson,Milton(D)
Y Pritchard,Robert(R)	Y Ramey,Harry(R)
A Yarbrough,Karen(D)	

Representative Molaro, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on January 26, 2006, reported the same back with the following recommendations:

That the bills be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4398, 4607 and 4711.

That the bills be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 4300 and 4532.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Standard Debate: HOUSE BILL 4322.

The committee roll call vote on House Bill 4607 is as follows:

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

Y Molaro,Robert(D), Chairperson	Y Delgado(D)
Y Lindner,Patricia(R), Republican Spokesperson	Y Bradley,John(D)
Y Collins(D)	Y Cultra,Shane(R)
Y Durkin,Jim(R)	Y Froehlich,Paul(R)
Y Golar,Esther(D)	Y Gordon,Careen(D)
Y Howard,Constance(D)	Y Jones,Lovana(D)
Y Mautino,Frank(D)	Y Reis,David(R)
Y Sacia,Jim(R)	Y Wait,Ronald(R)

The committee roll call vote on House Bills 4300 and 4532 is as follows:

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

Y Molaro,Robert(D), Chairperson	Y Mendoza,Susana(D) (replacing Delgado)
Y Lindner,Patricia(R), Republican Spokesperson	Y Bradley,John(D)
Y Chapa LaVia,Linda(D) (replacing Collins)	Y Cultra,Shane(R)
Y Durkin,Jim(R)	Y Froehlich,Paul(R)
Y Golar,Esther(D)	Y Gordon,Careen(D)
Y Howard,Constance(D)	Y Jones,Lovana(D)
Y Mautino,Frank(D)	Y Reis,David(R)
Y Sacia,Jim(R)	Y Wait,Ronald(R)

The committee roll call vote on House Bill 4711 is as follows:

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

Y Molaro,Robert(D), Chairperson	Y Mendoza,Susana(D) (replacing Delgado)
Y Lindner,Patricia(R), Republican Spokesperson	Y Bradley,John(D)
Y Chapa LaVia,Linda(D) (replacing Collins)	Y Cultra,Shane(R)
Y Durkin,Jim(R)	Y Froehlich,Paul(R)
Y Golar,Esther(D)	Y Gordon,Careen(D)
Y Howard,Constance(D)	A Jones,Lovana(D)
Y Mautino,Frank(D)	Y Reis,David(R)
Y Sacia,Jim(R)	Y Wait,Ronald(R)

The committee roll call vote on House Bill 4322 is as follows:  
9, Yeas; 6, Nays; 1, Answering Present.

N Molaro,Robert(D), Chairperson	Y Mendoza,Susana(D) (replacing Delgado)
Y Lindner,Patricia(R), Republican Spokesperson	Y Bradley,John(D)
Y Chapa LaVia,Linda(D) (replacing Collins)	Y Cultra,Shane(R)
Y Durkin,Jim(R)	Y Froehlich,Paul(R)
N Golar,Esther(D)	N Gordon,Careen(D)
N Howard,Constance(D)	P Jones,Lovana(D)
N Mautino,Frank(D)	Y Reis,David(R)
N Sacia,Jim(R)	Y Wait,Ronald(R)

The committee roll call vote on House Bill 4398 is as follows:  
10, Yeas; 3, Nays; 1, Answering Present.

N Molaro,Robert(D), Chairperson	Y Mendoza,Susana(D) (replacing Delgado)
P Lindner,Patricia(R), Republican Spokesperson	Y Bradley,John(D)
A Chapa LaVia,Linda(D) (replacing Collins)	Y Cultra,Shane(R)
Y Durkin,Jim(R)	Y Froehlich,Paul(R)
A Golar,Esther(D)	Y Gordon,Careen(D)
N Howard,Constance(D)	N Jones,Lovana(D)
Y Mautino,Frank(D)	Y Reis,David(R)
Y Sacia,Jim(R)	Y Wait,Ronald(R)

Representative Daniels, Chairperson, from the Committee on Developmental Disabilities and Mental Illness to which the following were referred, action taken on January 26, 2006, reported the same back with the following recommendations:

That the resolution be reported "recommends be adopted" and be placed on the House Calendar:  
HOUSE RESOLUTION 732.

The committee roll call vote on House Resolution 732 is as follows:  
7, Yeas; 0, Nays; 0, Answering Present.

Y Bellock,Patricia(R)	Y Chapa LaVia,Linda(D)
Y Churchill,Robert(R), Republican Spokesperson	Y Daniels,Lee(R), Chairperson
Y Golar,Esther(D)	Y Hultgren,Randall(R)
Y Ryg,Kathleen(D), Vice-Chairperson	

#### MOTIONS SUBMITTED

Representative McKeon submitted the following written motion, which was placed on the order of Motions in Writing:

##### MOTION

Pursuant to Rule 60(b), I move to table HOUSE RESOLUTION 729.

Representative Holbrook submitted the following written motion, which was placed on the order of Motions in Writing:

##### MOTION

Pursuant to Rule 60(b), I move to table HOUSE BILL 4364.

Representative Holbrook submitted the following written motion, which was placed on the order of Motions in Writing:

##### MOTION

Pursuant to Rule 60(b), I move to table HOUSE BILL 4253.

Representative Mautino submitted the following written motion, which was placed on the order of Motions in Writing:

**MOTION**

Pursuant to Rule 60(b), I move to table HOUSE BILL 4402.

Representative Chapa LaVia submitted the following written motion, which was placed on the order of Motions in Writing:

**MOTION**

Pursuant to Rule 60(b), I move to table HOUSE RESOLUTION 833.

Representative Eddy submitted the following written motion, which was placed on the order of Motions in Writing:

**MOTION**

Pursuant to Rule 60(b), I move to table HOUSE BILL 4767.

Representative Brady submitted the following written motion, which was placed on the order of Motions in Writing:

**MOTION**

Pursuant to Rule 60(b), I move to table HOUSE BILL 4434.

**REQUEST FOR FISCAL NOTE**

Representative Black requested that a Fiscal Note be supplied for HOUSE BILL 4525.

**REQUEST FOR STATE DEBT IMPACT NOTE**

Representative Black requested that a State Debt Impact Note be supplied for HOUSE BILL 4525.

**JUDICIAL NOTE SUPPLIED**

A Judicial Note has been supplied for HOUSE BILL 4205.

**CHANGE OF SPONSORSHIPS**

With the consent of the affected members, Representative Black was removed as principal sponsor, and Representative Coulson became the new principal sponsor of HOUSE BILL 4171.

With the consent of the affected members, Representative Flider was removed as principal sponsor, and Representative Jefferson became the new principal sponsor of HOUSE BILL 4342.

With the consent of the affected members, Representative Black was removed as principal sponsor, and Representative Stephens became the new principal sponsor of HOUSE BILL 4559.

With the consent of the affected members, Representative Hoffman was removed as principal sponsor, and Representative McAuliffe became the new principal sponsor of HOUSE BILL 4938.

### **AGREED RESOLUTIONS**

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

#### **HOUSE RESOLUTION 792**

Offered by Representative Madigan:

WHEREAS, The members of the House of Representatives of the State of Illinois learned with sadness of the death of former State Representative Gerald A. Bradley of Bloomington on Wednesday, December 28, 2005; and

WHEREAS, Mr. Bradley was born October 15, 1927, in Chicago; he married Mary Condon on December 29, 1951, in Bloomington; she preceded him in death on February 17, 2000; and

WHEREAS, He was a graduate of Thornton-Harvey High School and Illinois Wesleyan University, where he lettered in football, basketball, baseball, and track; and

WHEREAS, He valiantly served his country as a member of the U.S. Army during the Korean War; he owned and operated Bloomington Tent and Awning Co. from 1957 to 2002; and

WHEREAS, Mr. Bradley was elected Democratic State Representative in the 44th District of Illinois in 1969 and served seven terms until 1982; he served as a majority whip in Springfield for several years; and

WHEREAS, He was chairman of the board of First Federal Savings and Loan, Bloomington, and served on the board of OSF St. Joseph Medical Center, Bloomington, and he was a member of Holy Trinity Catholic Church, Bloomington; and

WHEREAS, The passing of Gerald A. Bradley has been deeply felt by many, especially his daughters, Katie (Robert) Stotler and Margaret Lehman; his sons, David (Carolyn) Bradley and Michael Bradley; his six grandchildren; his two great-grandchildren; and his sister, Barbara (Kent) Milton; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of former State Representative Gerald A. Bradley, and we extend our deepest sympathy to his family, friends, and all who knew and loved him; and be it further

RESOLVED, That a suitable copy of this resolution be presented to his family as an expression of our sincerest condolences.

#### **HOUSE RESOLUTION 854**

Offered by Representative Monique Davis:

Congratulates Liberia President Ellen Johnson Sirleaf on being the first elected female president on the African continent.

#### **HOUSE RESOLUTION 855**

Offered by Representative Pihos:

Celebrates the life of Ann Prichard of Glen Ellyn, who passed away at the age of 105.

#### **HOUSE RESOLUTION 856**

Offered by Representative Dunkin:

Congratulates Jokes and Notes on the occasion of its grand opening on January 27, 2006.

### **HOUSE BILLS ON SECOND READING**

HOUSE BILL 1744. Having been recalled on January 25, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Colvin offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 1744 by replacing everything after the enacting clause with the following:



"Section 5. The Energy Assistance Act is amended by changing Section 13 and by adding Section 15 as follows:

(305 ILCS 20/13)

Sec. 13. Supplemental Low-Income Energy Assistance Fund.

(a) The Supplemental Low-Income Energy Assistance Fund is hereby created as a special fund in the State Treasury. The Supplemental Low-Income Energy Assistance Fund is authorized to receive moneys from voluntary donations from individuals, foundations, corporations, and other sources, moneys received pursuant to Section 15, and, by statutory deposit, the moneys collected pursuant to this Section. Subject to appropriation, the Department shall use moneys from the Supplemental Low-Income Energy Assistance Fund for payments to electric or gas public utilities, municipal electric or gas utilities, and electric cooperatives on behalf of their customers who are participants in the program authorized by Section 4 of this Act, for the provision of weatherization services and for administration of the Supplemental Low-Income Energy Assistance Fund. The yearly expenditures for weatherization may not exceed 10% of the amount collected during the year pursuant to this Section. The yearly administrative expenses of the Supplemental Low-Income Energy Assistance Fund may not exceed 10% of the amount collected during that year pursuant to this Section.

(b) Notwithstanding the provisions of Section 16-111 of the Public Utilities Act but subject to subsection (k) of this Section, each public utility, electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois shall, effective January 1, 1998, assess each of its customer accounts a monthly Energy Assistance Charge for the Supplemental Low-Income Energy Assistance Fund. The delivering public utility, municipal electric or gas utility, or electric or gas cooperative for a self-assessing purchaser remains subject to the collection of the fee imposed by this Section. The monthly charge shall be as follows:

- (1) \$0.40 per month on each account for residential electric service;
- (2) \$0.40 per month on each account for residential gas service;
- (3) \$4 per month on each account for non-residential electric service which had less than 10 megawatts of peak demand during the previous calendar year;
- (4) \$4 per month on each account for non-residential gas service which had distributed to it less than 4,000,000 therms of gas during the previous calendar year;
- (5) \$300 per month on each account for non-residential electric service which had 10 megawatts or greater of peak demand during the previous calendar year; and
- (6) \$300 per month on each account for non-residential gas service which had 4,000,000 or more therms of gas distributed to it during the previous calendar year.

(c) For purposes of this Section:

- (1) "residential electric service" means electric utility service for household purposes delivered to a dwelling of 2 or fewer units which is billed under a residential rate, or electric utility service for household purposes delivered to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;
- (2) "residential gas service" means gas utility service for household purposes distributed to a dwelling of 2 or fewer units which is billed under a residential rate, or gas utility service for household purposes distributed to a dwelling unit or units which is billed under a residential rate and is registered by a separate meter for each dwelling unit;
- (3) "non-residential electric service" means electric utility service which is not residential electric service; and
- (4) "non-residential gas service" means gas utility service which is not residential gas service.

(d) At least 45 days prior to the date on which it must begin assessing Energy Assistance Charges, each public utility engaged in the delivery of electricity or the distribution of natural gas shall file with the Illinois Commerce Commission tariffs incorporating the Energy Assistance Charge in other charges stated in such tariffs.

(e) The Energy Assistance Charge assessed by electric and gas public utilities shall be considered a charge for public utility service.

(f) By the 20th day of the month following the month in which the charges imposed by the Section were collected, each public utility, municipal utility, and electric cooperative shall remit to the Department of Revenue all moneys received as payment of the Energy Assistance Charge on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may

reasonably require. If a customer makes a partial payment, a public utility, municipal utility, or electric cooperative may elect either: (i) to apply such partial payments first to amounts owed to the utility or cooperative for its services and then to payment for the Energy Assistance Charge or (ii) to apply such partial payments on a pro-rata basis between amounts owed to the utility or cooperative for its services and to payment for the Energy Assistance Charge.

(g) The Department of Revenue shall deposit into the Supplemental Low-Income Energy Assistance Fund all moneys remitted to it in accordance with subsection (f) of this Section.

(h) (Blank).

On or before December 31, 2002, the Department shall prepare a report for the General Assembly on the expenditure of funds appropriated from the Low-Income Energy Assistance Block Grant Fund for the program authorized under Section 4 of this Act.

(i) The Department of Revenue may establish such rules as it deems necessary to implement this Section.

(j) The Department of Commerce and Economic Opportunity ~~Community Affairs~~ may establish such rules as it deems necessary to implement this Section.

(k) The charges imposed by this Section shall only apply to customers of municipal electric or gas utilities and electric or gas cooperatives if the municipal electric or gas utility or electric or gas cooperative makes an affirmative decision to impose the charge. If a municipal electric or gas utility or an electric cooperative makes an affirmative decision to impose the charge provided by this Section, the municipal electric or gas utility or electric cooperative shall inform the Department of Revenue in writing of such decision when it begins to impose the charge. If a municipal electric or gas utility or electric or gas cooperative does not assess this charge, the Department may not use funds from the Supplemental Low-Income Energy Assistance Fund to provide benefits to its customers under the program authorized by Section 4 of this Act.

In its use of federal funds under this Act, the Department may not cause a disproportionate share of those federal funds to benefit customers of systems which do not assess the charge provided by this Section.

This Section is repealed effective December 31, 2007 unless renewed by action of the General Assembly. The General Assembly shall consider the results of the evaluations described in Section 8 in its deliberations.

(Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

(305 ILCS 20/15 new)

Sec. 15. Transfer into Supplemental Low-Income Energy Assistance Fund. No later than February 15, 2006, the Treasurer of the State of Illinois shall transfer into the Supplemental Low-Income Energy Assistance Fund \$5,201,055, which is equivalent to 50% of the average amount of Gas Revenue Tax paid per residential gas utility customer in State fiscal year 2005 multiplied by the number of residential gas utility customers that received assistance from the Low Income Home Energy Assistance Program during the State fiscal year 2005 winter heating season.

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 again advanced to the order of Third Reading.

HOUSE BILL 2414. Having been read by title a second time on May 24, 2005, and held on the order of Second Reading, the same was again taken up.

Floor Amendments numbered 3 and 4 remained in the Committee on Rules.

Floor Amendment No. 5 lost.

Representative Delgado offered and withdrew Amendment No. 6.

There being no further amendments, the bill was again held on the order of Second 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 4135.

HOUSE BILL 4147. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on International Trade & Commerce, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 4147 on page 13, line 35, by replacing "exempt" with "except".

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 4315. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Judiciary I - Civil Law, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 4315 by replacing everything after the enacting clause with the following:

"Section 5. The Solicitation for Charity Act is amended by changing Sections 1, 5, and 6 as follows:  
(225 ILCS 460/1) (from Ch. 23, par. 5101)

Sec. 1. The following words and phrases as used in this Act shall have the following meanings unless a different meaning is required by the context.

(a) "Charitable organization" means any ~~any~~ benevolent, philanthropic, patriotic, or eleemosynary person or one purporting to be such which solicits and collects funds for charitable purposes and includes each local, county, or area division within this State of such charitable organization, provided such local, county or area division has authority and discretion to disburse funds or property otherwise than by transfer to any parent organization.

(b) "Contribution" means the ~~The~~ promise or grant of any money or property of any kind or value, including the promise to pay, except payments by union members of an organization. Reference to the dollar amount of "contributions" in this Act means in the case of promises to pay, or payments for merchandise or rights of any other description, the value of the total amount promised to be paid or paid for such merchandise or rights and not merely that portion of the purchase price to be applied to a charitable purpose. Contribution shall not include the proceeds from the sale of admission tickets by any not-for-profit music or dramatic arts organization which establishes, by such proof as the Attorney General may require, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and which is organized and operated for the presentation of live public performances of musical or theatrical works on a regular basis. For purposes of this subsection, union member dues and donated services shall not be deemed contributions.

(c) "Person" means any ~~any~~ individual, organization, group, association, partnership, corporation, trust or any combination of them.

(d) "Professional fund raiser" means any ~~any~~ person who for compensation or other consideration, conducts, manages, or carries on any solicitation or fund raising drive or campaign in this State or from this State or on behalf of a charitable organization residing within this State for the purpose of soliciting, receiving, or collecting contributions for or on behalf of any charitable organization or any other person, or who engages in the business of, or holds himself out to persons in this State as independently engaged in the business of soliciting, receiving, or collecting contributions for such purposes. A bona fide director, officer, employee or unpaid volunteer of a charitable organization shall not be deemed a professional fund raiser unless the person is in a management position and the majority of the individual's salary or other compensation is computed on a percentage basis of funds to be raised, or actually raised.

(e) "Professional fund raising consultant" means any ~~any~~ person who is retained by a charitable organization or trustee for a fixed fee or rate that is not computed on a percentage of funds to be raised, or actually raised, under a written agreement, to only plan, advise, consult, or prepare materials for a solicitation of contributions in this State, but who does not manage, conduct or carry on a fundraising campaign and who does not solicit contributions or employ, procure, or engage any compensated person to solicit contributions and who does not at any time have custody or control of contributions. A volunteer, employee or salaried officer of a charitable organization or trustee maintaining a permanent establishment or office in this State is not a professional fundraising consultant. An attorney, investment counselor, or

banker who advises an individual, corporation or association to make a charitable contribution is not a professional fundraising consultant as a result of the advice.

(f) "Charitable purpose" means any ~~Any~~ charitable, benevolent, philanthropic, patriotic, or eleemosynary purpose.

(g) "Charitable Trust" means any relationship whereby property is held by a person for a charitable purpose.

(h) "Education Program Service" means any activity which provides information to the public of a nature that is not commonly known or facts which are not universally regarded as obvious or as established by common understanding and which informs the public of what it can or should do about a particular issue.

(i) "Primary Program Service" means the program service upon which an organization spends more than 50% of its program service funds or the program activity which represents the largest expenditure of funds in the fiscal period.

(j) "Professional solicitor" means any natural person who is employed or retained for compensation by a professional fund raiser to solicit, receive, or collect contributions for charitable purposes from persons in this State or from this State or on behalf of a charitable organization residing within this State.

(k) "Program Service Activity" means the actual charitable program activities of a charitable organization for which it expends its resources.

(l) "Program Service Expense" means the expenses of charitable program activity and not management expenses or fund raising expenses. In determining Program Service Expense, management and fund raising expenses may not be included.

(m) "Public Safety Personnel Organization" means any person who uses any of the words "officer", "police", "policeman", "policemen", "troopers", "sheriff", "law enforcement", "fireman", "firemen", "paramedic", or similar words in its name or in conjunction with solicitations, or in the title or name of a magazine, newspaper, periodical, advertisement book, or any other medium of electronic or print publication, and is not a governmental entity. No organization may be a Public Safety Personnel Organization unless 80% or more of its voting members or trustees are active, retired, or disabled police officers, peace officers, firemen, fire fighters, emergency medical technicians - ambulance, emergency medical technicians - intermediate, emergency medical technicians - paramedic, ambulance drivers, or other medical assistance or first aid personnel.

(m-5) "Public Safety Personnel" includes police officers, peace officers, firemen, fire fighters, emergency medical technicians - ambulance, emergency medical technicians - intermediate, emergency medical technicians - paramedic, ambulance drivers, and other medical assistance or first aid personnel.

(n) "Trustee" means any person, individual, group of individuals, association, corporation, not for profit corporation, or other legal entity holding property for or solicited for any charitable purpose; or any officer, director, executive director or other controlling persons of a corporation soliciting or holding property for a charitable purpose.

(Source: P.A. 91-301, eff. 7-29-99.)

(225 ILCS 460/5) (from Ch. 23, par. 5105)

Sec. 5. Any charitable organization, trustee, person, professional fund raiser or professional solicitor, which or who solicits, receives, or collects contributions in this State, but does not maintain an office within the State or cannot be located within the State shall be subject to service of process, as follows:

(a) By service thereof on its registered agent within the State, or if there be no such registered agent, then upon the person who has been designated in the registration statement as having custody of books and records within this State; where service is effected upon the person so designated in the registration statement a copy of the process shall, in addition, be mailed to the registrant's last known address;

(b) When any corporate person has solicited, received, or collected contributions in this State, but maintains no office within the State, has no registered agent within the State, and no designated person having custody of its books and records within the State, or when a registered agent or person having custody of its books and records within the State cannot be found as shown by the return of the sheriff of the county in which such registered agent or person having custody of books and records has been represented by the charitable organization or person as maintaining an office, service may be made by delivering to and leaving with the Secretary of State, or with any deputy or clerk in the corporation department of his office, three copies thereof;

(c) Following service upon the Secretary of State the provisions of law relating to service of process on foreign corporations shall thereafter govern;

(d) Long arm service in accordance with law;

(e) The solicitation, receipt, or collection of any contribution within this State by any charitable

organization or any person shall be deemed to be their agreement that any process against it or him which is so served in accordance with the provisions of this Section shall be of the same legal force and effect as if served personally within this State and that the courts of this State shall have personal jurisdiction over such organizations, persons and trustees;

(f) Venue over persons required to be registered under this Act shall be proper in any county where the Attorney General accepts and maintains the list of registrations. In furtherance of judicial economy, actions filed for violation of this Act may name multiple trustees, trusts, and organizations in a single or joint action where those joined have each engaged in similar conduct in violation of this Act or where similar relief is sought against those defendants for violation of this Act.

(Source: P.A. 90-469, eff. 8-17-97.)

(225 ILCS 460/6) (from Ch. 23, par. 5106)

Sec. 6. Professional fund raiser registration.

(a) No person shall act as a professional fund raiser or allow a professional fund raiser entity he owns, manages or controls to act for a charitable organization required to register pursuant to Section 2 of this Act, or for any organization as described in Section 3 of this Act before he has registered himself or the entity with the Attorney General or after the expiration or cancellation of such registration or any renewal thereof. Applications for registration and re-registration shall be in writing, under oath, in the form prescribed by the Attorney General. A registration fee of \$100 shall be paid with each registration and upon each re-registration. Registration and re-registration can proceed only if all financial reports have been filed in proper form and all fees have been paid in full. If the applicant intends to or does take control or possession of charitable funds, the applicant shall at the time of making application, file with, and have approved by, the Attorney General a bond in which the applicant shall be the principal obligor, in the sum of \$10,000, with one or more corporate sureties licensed to do business in this State whose liability in the aggregate will at least equal such sum. The bond shall run to the Attorney General for the use of the State and to any person who may have a cause of action against the obligor of the bond for any malfeasance or misfeasance in the conduct of such solicitation; provided, that the aggregate limit of liability of the surety to the State and to all such persons shall, in no event, exceed the sum of such bond. Registration or re-registration when effected shall be for a period of one year, or a part thereof, expiring on the 30th day of June, and may be renewed upon written application, under oath, in the form prescribed by the Attorney General and the filing of the bond for additional one year periods. Every professional fund raiser required to register pursuant to this Act shall file an annual written report with the Attorney General containing such information as he may require by rule. Certification shall be required for only information within the professional fund raiser's knowledge.

(b) Upon filing a complete registration statement, a professional fund raiser shall be given a registration number and shall be considered registered. If the materials submitted are determined to be inaccurate or incomplete, the Attorney General shall notify the professional fund raiser of his findings and the defect and that within 30 days his registration will be cancelled unless the defect is cured within said time.

(c) Every professional fund raiser registered under this Act who takes possession or control of charitable funds directly, indirectly, or through an escrow shall submit a full written accounting to the charitable organization of all funds it or its agents collected on behalf of the charitable organization during the 6 month period ended June 30 of each year, and file a copy of the accounting with the Attorney General. The accounting shall be in writing under oath and be signed and made on forms as prescribed by the Attorney General and shall be filed by the following September 30 of each year; however, within the time prescribed, and for good cause, the Attorney General may grant a 60 day extension of the due date.

(d) Every professional fund raiser registered pursuant to this Act shall also file calendar year written financial reports with the Attorney General containing such information as he may require, on forms prescribed by him, as well as separate financial reports for each separate fund raising campaign conducted. The written report, including all required schedules, shall be filed under oath on or before April 30 of the following calendar year and be signed and verified under penalty of perjury within the time prescribed. An annual report fee of \$25 shall be paid to the Attorney General with the filing of that report. If the report is not timely filed, a late filing fee shall result and must be paid prior to re-registration. The late filing fee shall be calculated at \$200 for each and every separate fundraising campaign conducted during the report year. For good cause, the Attorney General may grant a 30 day extension of the due date, in which case a late filing fee shall not be imposed until the expiration of the extension period. A copy of the report shall also be given to the charitable organization by the due date of filing. A professional fund raiser shall only be required to verify information actually available to the professional fund raiser, but in any event an annual report must be timely filed.

(d-5) The calendar year written financial report of every professional fund raiser who conducts, manages, or carries on a fund raising campaign involving the collection or resale of any automobiles, motorcycles, other motor vehicles, boats, yachts, or other water craft collected in Illinois during the report year, and the distribution of funds from the collection or resale of such motor vehicles and water crafts to the charitable organization, must include a schedule detailing the following information for each motor vehicle and water craft collected or resold:

(1) The vehicle or hull identification number.

(2) The gross resale amount of the vehicle.

(3) The total amount distributed to the charitable organization from the collection or resale of the motor vehicle or water craft.

(4) Any and all fees, compensation, or other consideration paid to or retained by the professional fund raiser from the collection or resale of the motor vehicle or water craft.

(5) The identity of any other professional fund raiser that participated in the collection or resale of the vehicle and any fees, compensation, or other consideration paid to or retained by that other professional fund raiser from the collection or resale of the motor vehicle or water craft.

The calendar year written financial report of every professional fund raiser who conducts, manages, or carries on a fund raising campaign involving the collection or resale of any automobile, motorcycle, other motor vehicle, boat, yacht, or other water craft collected in Illinois during the report year, but who does not distribute funds from such collection or resale to the charitable organization, must include a schedule detailing the following information for each motor vehicle and water craft collected or resold:

(1) The vehicle or hull identification number.

(2) Any and all fees, compensation, or other consideration paid to or retained by the professional fund raiser from the collection or resale of the motor vehicle or water craft.

(3) The identity of the person or entity involved in the fund raising campaign who does distribute funds from the collection or resale of the vehicle to the charitable organization.

(e) No person convicted of a felony may register as a professional fund raiser, and no person convicted of a misdemeanor involving fiscal wrongdoing, breach of fiduciary duty or a violation of this Act may register as a professional fund raiser for a period of 5 years from the date of the conviction or the date of termination of the sentence or probation, if any, whichever is later. This subsection shall not apply to charitable organizations that have as their primary purpose the rehabilitation of criminal offenders, the reintegration of criminal offenders into society, the improvement of the criminal justice system or the improvement of conditions within penal institutions.

(f) A professional fund raiser may not cause or allow independent contractors to act on its behalf in soliciting charitable contributions other than registered professional solicitors. A professional fund raiser must maintain the names, addresses and social security numbers of all of its professional solicitors for a period of at least 2 years.

(g) Any person who knowingly violates the provisions of subsections (a), (e), and (f) of this Section is guilty of a Class 4 felony. Any person who fails after being given notice of delinquency to file written financial reports required by subsections (c), ~~and (d)~~, and (d-5) of this Section which is more than 2 months past its due date is guilty of a Class A misdemeanor.

(h) Any person who violates any of the provisions of this Section shall be subject to civil penalties of \$5,000 for each violation and shall not be entitled to keep or receive fees, salaries, commissions or any compensation as a result or on account of the solicitations or fund raising campaigns, and at the request of the Attorney General or the charitable organization, a court may order that such be forfeited and paid toward and used for a charitable purpose as the court in its discretion determines is appropriate or placed in the Illinois Charity Bureau Fund.

(Source: P.A. 90-469, eff. 8-17-97; 91-444, eff. 8-6-99.)".

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 4425.

HOUSE BILL 4449. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 4449 by replacing everything after the enacting clause with the following:

"Section 5. The Personal Information Protection Act is amended by changing Section 10 and by adding Sections 12, 25, and 30 as follows:

(815 ILCS 530/10)

Sec. 10. Notice of Breach.

(a) Any data collector that owns or licenses personal information concerning an Illinois resident shall notify the resident at no charge that there has been a breach of the security of the system data following discovery or notification of the breach. The disclosure notification shall be made in the most expedient time possible and without unreasonable delay, consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity, security, and confidentiality of the data system.

(b) Any data collector that maintains computerized data that includes personal information that the data collector does not own or license shall notify the owner or licensee of the information of any breach of the security of the data immediately following discovery, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

(c) For purposes of this Section, notice to consumers may be provided by one of the following methods:

(1) written notice;

(2) electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures for notices legally required to be in writing as set forth in Section 7001 of Title 15 of the United States Code; or

(3) substitute notice, if the data collector demonstrates that the cost of providing notice would exceed \$250,000 or that the affected class of subject persons to be notified exceeds 500,000, or the data collector does not have sufficient contact information. Substitute notice shall consist of all of the following: (i) email notice if the data collector has an email address for the subject persons; (ii) conspicuous posting of the notice on the data collector's web site page if the data collector maintains one; and (iii) notification to major statewide media.

(d) Notwithstanding subsection (c), a data collector that maintains its own notification procedures as part of an information security policy for the treatment of personal information and is otherwise consistent with the timing requirements of this Act, shall be deemed in compliance with the notification requirements of this Section if the data collector notifies subject persons in accordance with its policies in the event of a breach of the security of the system data.

(Source: P.A. 94-36, eff. 1-1-06.)

(815 ILCS 530/12 new)

Sec. 12. Notice of breach; State agency.

(a) Any State agency that collects personal information concerning an Illinois resident shall notify the resident at no charge that there has been a breach of the security of the system data or written material following discovery or notification of the breach. The disclosure notification shall be made in the most expedient time possible and without unreasonable delay, consistent with any measures necessary to determine the scope of the breach and restore the reasonable integrity, security, and confidentiality of the data system.

(b) For purposes of this Section, notice to residents may be provided by one of the following methods:

(1) written notice:

(2) electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures for notices legally required to be in writing as set forth in Section 7001 of Title 15 of the United States Code; or

(3) substitute notice, if the State agency demonstrates that the cost of providing notice would exceed \$250,000 or that the affected class of subject persons to be notified exceeds 500,000, or the State agency does not have sufficient contact information. Substitute notice shall consist of all of the following: (i) email notice if the State agency has an email address for the subject persons; (ii) conspicuous posting of the notice on the State agency's web site page if the State agency maintains one; and (iii) notification to major statewide media.

(c) Notwithstanding subsection (b), a State agency that maintains its own notification procedures as part of an information security policy for the treatment of personal information and is otherwise consistent with

the timing requirements of this Act shall be deemed in compliance with the notification requirements of this Section if the State agency notifies subject persons in accordance with its policies in the event of a breach of the security of the system data or written material.

(d) If a State agency is required to notify more than 1,000 persons of a breach of security pursuant to this Section, the State agency shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined by 15 U.S.C. Section 1681a(p), of the timing, distribution, and content of the notices. Nothing in this subsection (d) shall be construed to require the State agency to provide to the consumer reporting agency the names or other personal identifying information of breach notice recipients.

(815 ILCS 530/25 new)

Sec. 25. Annual reporting. Any State agency that collects personal data and has had a breach of security of the system data or written material shall submit a report within 5 business days of the discovery or notification of the breach to the General Assembly listing the breaches and outlining any corrective measures that have been taken to prevent future breaches of the security of the system data or written material. Any State agency that has submitted a report under this Section shall submit an annual report listing all breaches of security of the system data or written materials and the corrective measures that have been taken to prevent future breaches.

(815 ILCS 530/30 new)

Sec. 30. Safe disposal of information. Any State agency that collects personal data that is no longer needed or stored at the agency shall dispose of the personal data or written material it has collected in such a manner as to ensure the security and confidentiality of the material.

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 bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 4453.

HOUSE BILL 4462. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Environmental Health, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 4462 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pesticide Act is amended by changing Section 14 as follows:

(415 ILCS 60/14) (from Ch. 5, par. 814)

Sec. 14. Unlawful Acts.

1. The following are violations of this Act, if any person:

A. Made false or fraudulent claims through any media misrepresenting the effect of pesticides or methods.

B. Applied known ineffective or improper pesticides.

C. Applied pesticides in a faulty, careless, or negligent manner.

D. Used or made recommendation for use of a pesticide inconsistent with the labeling of the pesticide.

E. Neglected, or after notice in writing, refused, to comply with provisions of this Act, the regulations adopted hereunder, or of any lawful order of the Director, including the limitations specified in a duly issued permit, certification, or registration.

F. Failed to keep and maintain records required by this Act or failed to make reports when and as required or made false or fraudulent records or reports.

G. Used or supervised the use of a pesticide without qualifying as a certified applicator or licensed operator.

H. Used fraud or misrepresentation in making application for, or renewal of, any license, permit, certification, or registration or in demonstration of competence.

I. Aided or abetted a person to evade provisions of this Act, conspired with any person



to evade provisions of this Act or allowed a license, permit, certification or registration to be used by another person.

J. Impersonated any federal, state, county, or city official.

K. Purchased pesticides by using another person's license or using or purchasing pesticides outside of a specific category for which that person is licensed or any other misrepresentation.

L. Fails to comply with the rules and regulations adopted under the authority of this Act.

2. Except as provided in Section 14 (2G), it is unlawful for any person to distribute in the State the following:

A. A pesticide not registered pursuant to provisions of this Act.

B. Any pesticide, if any claim made for it, use recommendation, other labeling or formulation, differs from the representations made in connection with registration. However, a change in labeling or formulation may be made within a registration if the change does not violate provisions of FIFRA or this Act.

C. Any pesticide unless in the registrants unbroken container.

D. Any pesticide container to which all label information required under provisions of this Act has not been securely affixed.

E. Any pesticide which is adulterated or misbranded or any device which is misbranded.

F. Any pesticide in a container which, due to damage, is hazardous to handle and store.

G. It shall not be unlawful to distribute pesticides "in bulk" provided such distribution does not violate the provisions of this Act, the Rules and Regulations under this Act, or FIFRA.

3. It shall be unlawful:

A. To sell any pesticide labeled for restricted use to any applicator not certified, unless such applicator has a valid permit authorizing purchase under a special exemption from certification requirements.

B. To handle, store, display, use or distribute pesticides in such manner as to endanger man and his environment, to endanger food, feed or other products that may be stored, displayed or distributed with such pesticides.

C. To use, dispose of, discard, or store pesticides or their containers in such a manner as to endanger public health and the environment or to pollute water supplies.

D. To use for personal advantage, reveal to persons, other than the Director designee or properly designated official of other jurisdictions, or to a physician or other qualified person in cases of emergency for preparation of an antidote any information judged as relating to trade secrets. To use or reveal a financial information obtained by authority or marked as privileged or confidential by a registrant.

E. To sell any pesticide labelled for restricted use over an Internet website to an Illinois resident who is not a certified pesticide applicator as provided under Section 11 of this Act.

4. Exemptions from the violation provisions of this Act are as follows:

A. Carriers lawfully engaged in transporting pesticides within this State, provided that such carrier shall upon request permit the Director to copy all records showing transactions in the movement of the pesticide or device.

B. Public officials of this State or the federal government while engaged in the performance of official duties in administration of pesticide laws or regulations.

C. Persons who ship a substance or mixture of substances being tested for the purpose of determining its value for pesticide use, to determine its toxicity or other properties and from which such user does not derive any benefit in pest control from its use.

5. No pesticide or device shall be deemed in violation of this Act when intended solely for export to a foreign country. If it is not exported all the provisions of this Act shall apply.

(Source: P.A. 87-128.)"

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 held on the order of Second Reading: HOUSE BILL 4525.

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 4526 and 4696.

HOUSE BILL 4302. 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 4302 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-315 as follows:

(20 ILCS 2310/2310-315) (was 20 ILCS 2310/55.41)

Sec. 2310-315. Prevention and treatment of AIDS. To perform the following in relation to the prevention and treatment of acquired immunodeficiency syndrome (AIDS):

(1) Establish a State AIDS Control Unit within the Department as a separate administrative subdivision, to coordinate all State programs and services relating to the prevention, treatment, and amelioration of AIDS.

(2) Conduct a public information campaign for physicians, hospitals, health facilities, public health departments, law enforcement personnel, public employees, laboratories, and the general public on acquired immunodeficiency syndrome (AIDS) and promote necessary measures to reduce the incidence of AIDS and the mortality from AIDS. This program shall include, but not be limited to, the establishment of a statewide hotline and a State AIDS information clearinghouse that will provide periodic reports and releases to public officials, health professionals, community service organizations, and the general public regarding new developments or procedures concerning prevention and treatment of AIDS.

(3) (Blank).

(4) Establish alternative blood test services that are not operated by a blood bank, plasma center or hospital. The Department shall prescribe by rule minimum criteria, standards and procedures for the establishment and operation of such services, which shall include, but not be limited to requirements for the provision of information, counseling and referral services that ensure appropriate counseling and referral for persons whose blood is tested and shows evidence of exposure to the human immunodeficiency virus (HIV) or other identified causative agent of acquired immunodeficiency syndrome (AIDS).

(5) Establish regional and community service networks of public and private service providers or health care professionals who may be involved in AIDS research, prevention and treatment.

(6) Provide grants to individuals, organizations or facilities to support the following:

(A) Information, referral, and treatment services.

(B) Interdisciplinary workshops for professionals involved in research and treatment.

(C) Establishment and operation of a statewide hotline.

(D) Establishment and operation of alternative testing services.

(E) Research into detection, prevention, and treatment.

(F) Supplementation of other public and private resources.

(G) Implementation by long-term care facilities of Department standards and procedures for the care and treatment of persons with AIDS and the development of adequate numbers and types of placements for those persons.

(7) (Blank).

(8) Accept any gift, donation, bequest, or grant of funds from private or public agencies, including federal funds that may be provided for AIDS control efforts.

(9) Develop and implement, in consultation with the Long-Term Care Facility Advisory Board, standards and procedures for long-term care facilities that provide care and treatment of persons with AIDS, including appropriate infection control procedures. The Department shall work cooperatively with organizations representing those facilities to develop adequate numbers and types of placements for persons with AIDS and shall advise those facilities on proper implementation of its standards and procedures.

(10) The Department shall create and administer a training program for State employees who have a need for understanding matters relating to AIDS in order to deal with or advise the public. The training shall include information on the cause and effects of AIDS, the means of detecting it and preventing its transmission, the availability of related counseling and referral, and other matters that may be appropriate.

The training may also be made available to employees of local governments, public service agencies, and private agencies that contract with the State; in those cases the Department may charge a reasonable fee to recover the cost of the training.

(11) Approve tests or testing procedures used in determining exposure to HIV or any other identified causative agent of AIDS.

(12) Provide prescription drug benefits counseling for persons with HIV or AIDS.

(Source: P.A. 91-239, eff. 1-1-00; 92-84, eff. 7-1-02; 92-790, eff. 8-6-02.)

Section 10. The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is amended by changing Section 4 as follows:

(320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

Sec. 4. Amount of Grant.

(a) In general. Any individual 65 years or older or any individual who will become 65 years old during the calendar year in which a claim is filed, and any surviving spouse of such a claimant, who at the time of death received or was entitled to receive a grant pursuant to this Section, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive a grant pursuant to this Section, and any disabled person whose annual household income is less than \$14,000 for grant years before the 1998 grant year, less than \$16,000 for the 1998 and 1999 grant years, and less than (i) \$21,218 for a household containing one person, (ii) \$28,480 for a household containing 2 persons, or (iii) \$35,740 for a household containing 3 or more persons for the 2000 grant year and thereafter and whose household is liable for payment of property taxes accrued or has paid rent constituting property taxes accrued and is domiciled in this State at the time he or she files his or her claim is entitled to claim a grant under this Act. With respect to claims filed by individuals who will become 65 years old during the calendar year in which a claim is filed, the amount of any grant to which that household is entitled shall be an amount equal to 1/12 of the amount to which the claimant would otherwise be entitled as provided in this Section, multiplied by the number of months in which the claimant was 65 in the calendar year in which the claim is filed.

(b) Limitation. Except as otherwise provided in subsections (a) and (f) of this Section, the maximum amount of grant which a claimant is entitled to claim is the amount by which the property taxes accrued which were paid or payable during the last preceding tax year or rent constituting property taxes accrued upon the claimant's residence for the last preceding taxable year exceeds 3 1/2% of the claimant's household income for that year but in no event is the grant to exceed (i) \$700 less 4.5% of household income for that year for those with a household income of \$14,000 or less or (ii) \$70 if household income for that year is more than \$14,000.

(c) Public aid recipients. If household income in one or more months during a year includes cash assistance in excess of \$55 per month from the Department of ~~Healthcare and Family Services~~ ~~Public Aid~~ or the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) which was determined under regulations of that Department on a measure of need that included an allowance for actual rent or property taxes paid by the recipient of that assistance, the amount of grant to which that household is entitled, except as otherwise provided in subsection (a), shall be the product of (1) the maximum amount computed as specified in subsection (b) of this Section and (2) the ratio of the number of months in which household income did not include such cash assistance over \$55 to the number twelve. If household income did not include such cash assistance over \$55 for any months during the year, the amount of the grant to which the household is entitled shall be the maximum amount computed as specified in subsection (b) of this Section. For purposes of this paragraph (c), "cash assistance" does not include any amount received under the federal Supplemental Security Income (SSI) program.

(d) Joint ownership. If title to the residence is held jointly by the claimant with a person who is not a member of his or her household, the amount of property taxes accrued used in computing the amount of grant to which he or she is entitled shall be the same percentage of property taxes accrued as is the percentage of ownership held by the claimant in the residence.

(e) More than one residence. If a claimant has occupied more than one residence in the taxable year, he or she may claim only one residence for any part of a month. In the case of property taxes accrued, he or she shall prorate 1/12 of the total property taxes accrued on his or her residence to each month that he or she owned and occupied that residence; and, in the case of rent constituting property taxes accrued, shall prorate each month's rent payments to the residence actually occupied during that month.

(f) There is hereby established a program of pharmaceutical assistance to the aged and disabled which shall be administered by the Department in accordance with this Act, to consist of payments to authorized

pharmacies, on behalf of beneficiaries of the program, for the reasonable costs of covered prescription drugs. Each beneficiary who pays \$5 for an identification card shall pay no additional prescription costs. Each beneficiary who pays \$25 for an identification card shall pay \$3 per prescription. In addition, after a beneficiary receives \$2,000 in benefits during a State fiscal year, that beneficiary shall also be charged 20% of the cost of each prescription for which payments are made by the program during the remainder of the fiscal year. To become a beneficiary under this program a person must: (1) be (i) 65 years of age or older, or (ii) the surviving spouse of such a claimant, who at the time of death received or was entitled to receive benefits pursuant to this subsection, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive benefits pursuant to this subsection, or (iii) disabled, and (2) be domiciled in this State at the time he or she files his or her claim, and (3) have a maximum household income of less than \$14,000 for grant years before the 1998 grant year, less than \$16,000 for the 1998 and 1999 grant years, and less than (i) \$21,218 for a household containing one person, (ii) \$28,480 for a household containing 2 persons, or (iii) \$35,740 for a household containing 3 more persons for the 2000 grant year and thereafter. In addition, each eligible person must (1) obtain an identification card from the Department, (2) at the time the card is obtained, sign a statement assigning to the State of Illinois benefits which may be otherwise claimed under any private insurance plans, and (3) present the identification card to the dispensing pharmacist.

The Department may adopt rules specifying participation requirements for the pharmaceutical assistance program, including copayment amounts, identification card fees, expenditure limits, and the benefit threshold after which a 20% charge is imposed on the cost of each prescription, to be in effect on and after July 1, 2004. Notwithstanding any other provision of this paragraph, however, the Department may not increase the identification card fee above the amount in effect on May 1, 2003 without the express consent of the General Assembly. To the extent practicable, those requirements shall be commensurate with the requirements provided in rules adopted by the Department of Healthcare and Family Services ~~Public Aid~~ to implement the pharmacy assistance program under Section 5-5.12a of the Illinois Public Aid Code.

Whenever a generic equivalent for a covered prescription drug is available, the Department shall reimburse only for the reasonable costs of the generic equivalent, less the co-pay established in this Section, unless (i) the covered prescription drug contains one or more ingredients defined as a narrow therapeutic index drug at 21 CFR 320.33, (ii) the prescriber indicates on the face of the prescription "brand medically necessary", and (iii) the prescriber specifies that a substitution is not permitted. When issuing an oral prescription for covered prescription medication described in item (i) of this paragraph, the prescriber shall stipulate "brand medically necessary" and that a substitution is not permitted. If the covered prescription drug and its authorizing prescription do not meet the criteria listed above, the beneficiary may purchase the non-generic equivalent of the covered prescription drug by paying the difference between the generic cost and the non-generic cost plus the beneficiary co-pay.

Any person otherwise eligible for pharmaceutical assistance under this Act whose covered drugs are covered by any public program for assistance in purchasing any covered prescription drugs shall be ineligible for assistance under this Act to the extent such costs are covered by such other plan.

The fee to be charged by the Department for the identification card shall be equal to \$5 per coverage year for persons below the official poverty line as defined by the United States Department of Health and Human Services and \$25 per coverage year for all other persons.

In the event that 2 or more persons are eligible for any benefit under this Act, and are members of the same household, (1) each such person shall be entitled to participate in the pharmaceutical assistance program, provided that he or she meets all other requirements imposed by this subsection and (2) each participating household member contributes the fee required for that person by the preceding paragraph for the purpose of obtaining an identification card.

The provisions of this subsection (f), other than this paragraph, are inoperative after December 31, 2005. Beneficiaries who received benefits under the program established by this subsection (f) are not entitled, at the termination of the program, to any refund of the identification card fee paid under this subsection.

(g) Effective January 1, 2006, there is hereby established a program of pharmaceutical assistance to the aged and disabled, entitled the Illinois Seniors and Disabled Drug Coverage Program, which shall be administered by the Department of Healthcare and Family Services and the Department on Aging in accordance with this subsection, to consist of coverage of specified prescription drugs on behalf of beneficiaries of the program as set forth in this subsection. The program under this subsection replaces and supersedes the program established under subsection (f), which shall end at midnight on December 31, 2005.

To become a beneficiary under the program established under this subsection, a person must:

- (1) be (i) 65 years of age or older or (ii) disabled; and
- (2) be domiciled in this State; and
- (3) enroll with a qualified Medicare Part D Prescription Drug Plan if eligible and apply for all available subsidies under Medicare Part D; and
- (4) have a maximum household income of (i) less than \$21,218 for a household containing

one person, (ii) less than \$28,480 for a household containing 2 persons, or (iii) less than \$35,740 for a household containing 3 or more persons. If any income eligibility limit set forth in items (i) through (iii) is less than 200% of the Federal Poverty Level for any year, the income eligibility limit for that year for households of that size shall be income equal to or less than 200% of the Federal Poverty Level.

All individuals enrolled as of December 31, 2005, in the pharmaceutical assistance program operated pursuant to subsection (f) of this Section and all individuals enrolled as of December 31, 2005, in the SeniorCare Medicaid waiver program operated pursuant to Section 5-5.12a of the Illinois Public Aid Code shall be automatically enrolled in the program established by this subsection for the first year of operation without the need for further application, except that they must apply for Medicare Part D and the Low Income Subsidy under Medicare Part D. A person enrolled in the pharmaceutical assistance program operated pursuant to subsection (f) of this Section as of December 31, 2005, shall not lose eligibility in future years due only to the fact that they have not reached the age of 65.

To the extent permitted by federal law, the Department may act as an authorized representative of a beneficiary in order to enroll the beneficiary in a Medicare Part D Prescription Drug Plan if the beneficiary has failed to choose a plan and, where possible, to enroll beneficiaries in the low-income subsidy program under Medicare Part D or assist them in enrolling in that program.

Beneficiaries under the program established under this subsection shall be divided into the following 5 4 eligibility groups:

- (A) Eligibility Group 1 shall consist of beneficiaries who are not eligible for Medicare Part D coverage and who are:

- (i) disabled and under age 65; or
- (ii) age 65 or older, with incomes over 200% of the Federal Poverty Level; or
- (iii) age 65 or older, with incomes at or below 200% of the Federal Poverty Level and not eligible for federally funded means-tested benefits due to immigration status.

- (B) Eligibility Group 2 shall consist of beneficiaries otherwise described in Eligibility Group 1 but who are eligible for Medicare Part D coverage.

(C) Eligibility Group 3 shall consist of beneficiaries age 65 or older, with incomes at or below 200% of the Federal Poverty Level, who are not barred from receiving federally funded means-tested benefits due to immigration status and are eligible for Medicare Part D coverage.

(D) Eligibility Group 4 shall consist of beneficiaries age 65 or older, with incomes at or below 200% of the Federal Poverty Level, who are not barred from receiving federally funded means-tested benefits due to immigration status and are not eligible for Medicare Part D coverage.

If the State applies and receives federal approval for a waiver under Title XIX of the Social Security Act, persons in Eligibility Group 4 shall continue to receive benefits through the approved waiver, and Eligibility Group 4 may be expanded to include disabled persons under age 65 with incomes under 200% of the Federal Poverty Level who are not eligible for Medicare and who are not barred from receiving federally funded means-tested benefits due to immigration status.

(E) On and after January 1, 2007, Eligibility Group 5 shall consist of beneficiaries who are otherwise described in Eligibility Group 1 but are eligible for Medicare Part D and have a diagnosis of HIV or AIDS.

The program established under this subsection shall cover the cost of covered prescription drugs in excess of the beneficiary cost-sharing amounts set forth in this paragraph that are not covered by Medicare. In 2006, beneficiaries shall pay a co-payment of \$2 for each prescription of a generic drug and \$5 for each prescription of a brand-name drug. In future years, beneficiaries shall pay co-payments equal to the co-payments required under Medicare Part D for "other low-income subsidy eligible individuals" pursuant to 42 CFR 423.782(b). For individuals in Eligibility Groups 1, 2, 3, and 4, once ~~Once~~ the program established under this subsection and Medicare combined have paid \$1,750 in a year for covered prescription drugs, the beneficiary shall pay 20% of the cost of each prescription in addition to the co-payments set forth in this paragraph. For individuals in Eligibility Group 5, once the program established under this subsection and Medicare combined have paid \$1,750 in a year for covered prescription drugs, the beneficiary shall pay 20% of the cost of each prescription in addition to the co-payments set forth in this paragraph unless the drug is included in the formulary of the Illinois AIDS

Drug Assistance Program operated by the Illinois Department of Public Health. If the drug is included in the formulary of the Illinois AIDS Drug Assistance Program, individuals in Eligibility Group 5 shall continue to pay the co-payments set forth in this paragraph after the program established under this subsection and Medicare combined have paid \$1,750 in a year for covered prescription drugs.

For beneficiaries eligible for Medicare Part D coverage, the program established under this subsection shall pay 100% of the premiums charged by a qualified Medicare Part D Prescription Drug Plan for Medicare Part D basic prescription drug coverage, not including any late enrollment penalties. Qualified Medicare Part D Prescription Drug Plans may be limited by the Department of Healthcare and Family Services to those plans that sign a coordination agreement with the Department.

Notwithstanding Section 3.15, for purposes of the program established under this subsection, the term "covered prescription drug" has the following meanings:

For Eligibility Group 1, "covered prescription drug" means: (1) any cardiovascular agent or drug; (2) any insulin or other prescription drug used in the treatment of diabetes, including syringe and needles used to administer the insulin; (3) any prescription drug used in the treatment of arthritis; (4) any prescription drug used in the treatment of cancer; (5) any prescription drug used in the treatment of Alzheimer's disease; (6) any prescription drug used in the treatment of Parkinson's disease; (7) any prescription drug used in the treatment of glaucoma; (8) any prescription drug used in the treatment of lung disease and smoking-related illnesses; (9) any prescription drug used in the treatment of osteoporosis; and (10) any prescription drug used in the treatment of multiple sclerosis. The Department may add additional therapeutic classes by rule. The Department may adopt a preferred drug list within any of the classes of drugs described in items (1) through (10) of this paragraph. The specific drugs or therapeutic classes of covered prescription drugs shall be indicated by rule.

For Eligibility Group 2, "covered prescription drug" means those drugs covered for Eligibility Group 1 that are also covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled.

For Eligibility Group 3, "covered prescription drug" means those drugs covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled.

For Eligibility Group 4, "covered prescription drug" means those drugs covered by the Medical Assistance Program under Article V of the Illinois Public Aid Code.

For Eligibility Group 5, "covered prescription drug" means: (1) those drugs covered for Eligibility Group 1 that are also covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled; and (2) those drugs included in the formulary of the Illinois AIDS Drug Assistance Program operated by the Illinois Department of Public Health that are also covered by the Medicare Part D Prescription Drug Plan in which the beneficiary is enrolled.

An individual in Eligibility Group 3 or 4 may opt to receive a \$25 monthly payment in lieu of the direct coverage described in this subsection.

Any person otherwise eligible for pharmaceutical assistance under this subsection whose covered drugs are covered by any public program is ineligible for assistance under this subsection to the extent that the cost of those drugs is covered by the other program.

The Department of Healthcare and Family Services shall establish by rule the methods by which it will provide for the coverage called for in this subsection. Those methods may include direct reimbursement to pharmacies or the payment of a capitated amount to Medicare Part D Prescription Drug Plans.

For a pharmacy to be reimbursed under the program established under this subsection, it must comply with rules adopted by the Department of Healthcare and Family Services regarding coordination of benefits with Medicare Part D Prescription Drug Plans. A pharmacy may not charge a Medicare-enrolled beneficiary of the program established under this subsection more for a covered prescription drug than the appropriate Medicare cost-sharing less any payment from or on behalf of the Department of Healthcare and Family Services.

The Department of Healthcare and Family Services or the Department on Aging, as appropriate, may adopt rules regarding applications, counting of income, proof of Medicare status, mandatory generic policies, and pharmacy reimbursement rates and any other rules necessary for the cost-efficient operation of the program established under this subsection.

(Source: P.A. 93-130, eff. 7-10-03; 94-86, eff. 1-1-06; revised 12-15-05.)

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

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

### **HOUSE BILL 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 Yarbrough, HOUSE BILL 4172 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:

110, 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.

### **RECALL**

At the request of the principal sponsor, Representative Fritchey, HOUSE BILL 4173 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 Ramey, HOUSE BILL 4204 was taken up and read by title a third time.

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

110, Yeas; 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 Hoffman, HOUSE BILL 4377 was taken up and read by title a third time.

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

78, Yeas; 31, 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 D'Amico, HOUSE BILL 4419 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 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 Mendoza, HOUSE BILL 4736 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 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 Colvin, HOUSE BILL 1744 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: 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.

## RESOLUTIONS

Having been reported out of the Committee on State Government Administration on January 25, 2006, HOUSE JOINT RESOLUTION 74 was taken up for consideration.

Representative Black moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

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

Having been reported out of the Committee on State Government Administration on January 25, 2006, HOUSE JOINT RESOLUTION 76 was taken up for consideration.

Representative Acevedo moved the adoption of the resolution.

And on that motion, a vote was taken resulting as follows:

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

(ROLL CALL 8)

The motion prevailed and the Resolution was adopted.

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

Having been reported out of the Committee on State Government Administration on January 25, 2006, HOUSE RESOLUTION 711 was taken up for consideration.

Representative Cross moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on State Government Administration on January 25, 2006, HOUSE RESOLUTION 722 was taken up for consideration.

Representative Churchill moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on State Government Administration on January 25, 2006, HOUSE RESOLUTION 765 was taken up for consideration.

Representative Ryg moved the adoption of the resolution.



The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on State Government Administration on January 25, 2006, HOUSE RESOLUTION 806 was taken up for consideration.

Representative Chapa LaVia moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

#### **AGREED RESOLUTIONS**

HOUSE RESOLUTIONS 854, 855 and 856 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

#### **ACTION ON MOTIONS**

Pursuant to the motion submitted previously, Representative McGuire moved to table HOUSE BILL 4304.

The motion prevailed.

Representative Brady asked and obtained unanimous consent to table HOUSE BILL 4434.

Representative Eddy asked and obtained unanimous consent to table HOUSE BILL 4767.

#### **AGREED RESOLUTION**

HOUSE RESOLUTION 792 was taken up for consideration.

Representative Currie moved the adoption of the agreed resolution.

The motion prevailed and the agreed resolution was adopted.

At the hour of 1:33 o'clock p.m., Representative Currie moved that the House do now adjourn until Tuesday, January 31, 2006, at 12:00 o'clock noon, allowing perfunctory time for the Clerk.

The motion prevailed.

And the House stood adjourned.

STATE OF ILLINOIS  
NINETY-FOURTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
QUORUM ROLL CALL FOR ATTENDANCE

January 26, 2006

0 YEAS

0 NAYS

110 PRESENT

P Acevedo	P Dugan	P Krause	P Pritchard
E Bassi	P Dunkin	P Lang	P Ramey
P Beaubien	P Dunn	P Leitch	P Reis
P Beiser	P Durkin	P Lindner	P Reitz
P Bellock	P Eddy	P Lyons, Joseph	P Rita
P Berrios	P Feigenholtz	E Mathias	P Rose
P Biggins	P Flider	P Mautino	P Ryg
P Black	P Flowers	P May	P Sacia
P Boland	P Franks	P McAuliffe	P Saviano
P Bost	P Fritchey	P McCarthy	P Schmitz
P Bradley, John	P Froehlich	P McGuire	P Schock
P Bradley, Richard	P Giles	P McKeon	E Scully
P Brady	P Golar	P Mendoza	P Smith
P Brauer	P Gordon	P Meyer	P Sommer
P Brosnahan	P Graham	P Miller	P Soto
P Burke	P Granberg	P Mitchell, Bill	P Stephens
P Chapa LaVia	P Hamos	P Mitchell, Jerry	P Sullivan
P Chavez	P Hannig	P Moffitt	P Tenhouse
P Churchill	P Hassert	P Molaro	P Tryon
P Collins	P Hoffman	P Mulligan	P Turner
P Colvin	P Holbrook	P Munson	P Verschoore
P Coulson	P Howard	P Myers	P Wait
P Cross	P Hultgren	P Nekritz	P Washington
P Cultra	P Jakobsson	P Osmond	P Watson
P Currie	P Jefferson	P Osterman	P Winters
P D'Amico	P Jenisch	P Parke	P Yarbrough
P Daniels	P Jones	E Patterson	P Younge
P Davis, Monique	E Joyce	P Phelps	A Mr. Speaker
P Davis, William	P Kelly	P Pihos	
E Delgado	E Kosel	P Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FOURTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4172  
 CONSUMER FRAUD-PERFORMANCE  
 THIRD READING  
 PASSED

January 26, 2006

110 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
E Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	E Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	Y Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	E Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	Y Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	Y Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	Y Osmond	Y Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	E Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
E Delgado	E Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-FOURTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 4204  
VEH CD-DUI FINE-CRIM VIOLENCE  
THIRD READING  
PASSED

January 26, 2006

110 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
E Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	E Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	Y Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	E Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	Y Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	Y Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	Y Osmond	Y Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	E Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
E Delgado	E Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FOURTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4377  
 HORSE RACG-PARI-MUTUEL TAX  
 THIRD READING  
 PASSED

January 26, 2006

78 YEAS

31 NAYS

0 PRESENT

Y Acevedo	N Dugan	Y Krause	N Pritchard
E Bassi	Y Dunkin	Y Lang	Y Ramey
N Beaubien	Y Dunn	N Leitch	N Reis
Y Beiser	Y Durkin	N Lindner	Y Reitz
Y Bellock	N Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	E Mathias	N Rose
Y Biggins	N Flider	Y Mautino	N Ryg
Y Black	Y Flowers	N May	Y Sacia
Y Boland	A Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	N Schmitz
N Bradley, John	N Froehlich	Y McGuire	N Schock
Y Bradley, Richard	Y Giles	Y McKeon	E Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	N Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	N Mitchell, Bill	Y Stephens
N Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
N Chavez	Y Hannig	Y Moffitt	Y Tenhouse
N Churchill	Y Hassert	Y Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	N Munson	Y Verschoore
N Coulson	Y Howard	Y Myers	Y Wait
Y Cross	N Hultgren	Y Nekritz	N Washington
Y Cultra	N Jakobsson	N Osmond	Y Watson
Y Currie	N Jefferson	Y Osterman	N Winters
N D'Amico	Y Jenisch	N Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	E Joyce	N Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
E Delgado	E Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FOURTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4419  
 ICC-PUBLIC UTIL SECURITY POLCY  
 THIRD READING  
 PASSED

January 26, 2006

109 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
E Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	E Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	A Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	E Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	Y Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	Y Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	Y Osmond	Y Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	E Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
E Delgado	E Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FOURTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4736  
 CHECK PRINTER-FIN INST DEFINED  
 THIRD READING  
 PASSED

January 26, 2006

109 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
E Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	E Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	A Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	E Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	Y Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	Y Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	Y Osmond	Y Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	E Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
E Delgado	E Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-FOURTH  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 1744  
 REVENUE-TECH  
 THIRD READING  
 PASSED

January 26, 2006

109 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
E Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	E Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	A Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	E Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	Y Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	Y Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	Y Osmond	Y Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	E Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
E Delgado	E Kosel	Y Poe	

E - Denotes Excused Absence



STATE OF ILLINOIS  
NINETY-FOURTH  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE JOINT RESOLUTION 76  
FALSE ID TASK FORCE  
ADOPTED

January 26, 2006

109 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
E Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	Y Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	E Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	A Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	E Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	Y Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	Y Hassert	Y Molaro	Y Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	Y Munson	Y Verschoore
Y Coulson	Y Howard	Y Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	Y Washington
Y Cultra	Y Jakobsson	Y Osmond	Y Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	E Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
E Delgado	E Kosel	Y Poe	

E - Denotes Excused Absence

**83RD LEGISLATIVE DAY**

**Perfunctory Session**

**THURSDAY, JANUARY 26, 2006**

At the hour of 4:13 o'clock p.m., the House convened perfunctory session.

**INTRODUCTION AND FIRST READING OF BILLS**

The following bills were introduced, read by title a first time, ordered reproduced and placed in the Committee on Rules:

HOUSE BILL 5315. Introduced by Representative Hannig, AN ACT concerning revenue.

HOUSE BILL 5316. Introduced by Representative Hannig, AN ACT concerning revenue.

HOUSE BILL 5317. Introduced by Representative Hannig, AN ACT concerning revenue.

HOUSE BILL 5318. Introduced by Representative Hannig, AN ACT concerning revenue.

HOUSE BILL 5319. Introduced by Representative Hannig, AN ACT concerning revenue.

HOUSE BILL 5320. Introduced by Representative Hannig, AN ACT concerning liquor.

HOUSE BILL 5321. Introduced by Representative Moffitt, AN ACT concerning local government.

HOUSE BILL 5322. Introduced by Representative Kosel, AN ACT concerning transportation.

HOUSE BILL 5323. Introduced by Representatives Black - Jakobsson - Rose, AN ACT concerning regulation.

HOUSE BILL 5324. Introduced by Representative Osterman, AN ACT concerning local government.

HOUSE BILL 5325. Introduced by Representative Cross, AN ACT concerning property.

HOUSE BILL 5326. Introduced by Representatives Joyce - Brosnahan, AN ACT concerning appropriations.

HOUSE BILL 5327. Introduced by Representative Joyce, AN ACT concerning criminal law.

HOUSE BILL 5328. Introduced by Representative Franks, AN ACT concerning wireless telephones.

HOUSE BILL 5329. Introduced by Representative Washington, AN ACT concerning local government.

HOUSE BILL 5330. Introduced by Representative Dunn, AN ACT concerning health.

HOUSE BILL 5331. Introduced by Representative Eddy, AN ACT concerning public employee benefits.

HOUSE BILL 5332. Introduced by Representative Reis, AN ACT concerning wildlife.

HOUSE BILL 5333. Introduced by Representative Sacia, AN ACT concerning wildlife.

HOUSE BILL 5334. Introduced by Representatives Osterman - Nekritz - Hamos, AN ACT concerning property.

HOUSE BILL 5335. Introduced by Representative Osterman, AN ACT in relation to public employee benefits.

HOUSE BILL 5336. Introduced by Representative Osterman, AN ACT concerning criminal law.

HOUSE BILL 5337. Introduced by Representative Jenisch, AN ACT concerning insurance.

HOUSE BILL 5338. Introduced by Representative McGuire, AN ACT concerning revenue.

HOUSE BILL 5339. Introduced by Representative Sommer, AN ACT concerning insurance.

HOUSE BILL 5340. Introduced by Representative Sommer, AN ACT concerning schools.

HOUSE BILL 5341. Introduced by Representative McKeon, AN ACT concerning finance.

HOUSE BILL 5342. Introduced by Representative Colvin, AN ACT concerning criminal law.

HOUSE BILL 5343. Introduced by Representative Watson, AN ACT concerning State government.

HOUSE BILL 5344. Introduced by Representative Colvin, AN ACT concerning revenue.

HOUSE BILL 5345. Introduced by Representative Colvin, AN ACT concerning government.

HOUSE BILL 5346. Introduced by Representative Saviano, AN ACT concerning gaming.

HOUSE BILL 5347. Introduced by Representative Saviano, AN ACT concerning regulation.

HOUSE BILL 5348. Introduced by Representative Moffitt, AN ACT concerning burn injury reporting.

HOUSE BILL 5349. Introduced by Representative Mautino, AN ACT concerning insurance.

HOUSE BILL 5350. Introduced by Representative Mautino, AN ACT concerning insurance.

HOUSE BILL 5351. Introduced by Representative Reitz, AN ACT concerning regulation.

HOUSE BILL 5352. Introduced by Representative Hannig, AN ACT concerning education.

HOUSE BILL 5353. Introduced by Representative Hultgren, AN ACT concerning lending practices.

HOUSE BILL 5354. Introduced by Representative Mautino, AN ACT concerning municipalities.

HOUSE BILL 5355. Introduced by Representative Boland, AN ACT concerning insurance.

HOUSE BILL 5356. Introduced by Representative Poe, AN ACT concerning local government.

HOUSE BILL 5357. Introduced by Representative Hamos, AN ACT concerning public employee benefits.

HOUSE BILL 5358. Introduced by Representative Collins, AN ACT concerning criminal law.

HOUSE BILL 5359. Introduced by Representative Coulson, AN ACT concerning regulation.

HOUSE BILL 5360. Introduced by Representative Hassert, AN ACT concerning revenue.

HOUSE BILL 5361. Introduced by Representative Scully, AN ACT concerning finance.

- HOUSE BILL 5362. Introduced by Representative Sacia, AN ACT concerning revenue.
- HOUSE BILL 5363. Introduced by Representative Sacia, AN ACT concerning State government.
- HOUSE BILL 5364. Introduced by Representative Krause, AN ACT concerning revenue.
- HOUSE BILL 5365. Introduced by Representative Krause, AN ACT concerning revenue.
- HOUSE BILL 5366. Introduced by Representative Myers, AN ACT concerning transportation.
- HOUSE BILL 5367. Introduced by Representative Myers, AN ACT concerning State government.
- HOUSE BILL 5368. Introduced by Representative Myers, AN ACT concerning civil law.
- HOUSE BILL 5369. Introduced by Representative Hoffman, AN ACT concerning civil law.
- HOUSE BILL 5370. Introduced by Representative Giles, AN ACT concerning education.
- HOUSE BILL 5371. Introduced by Representatives Mitchell, Bill - Bost - Stephens - Watson and Rose, AN ACT concerning regulation.
- HOUSE BILL 5372. Introduced by Representative Burke, AN ACT concerning local government.
- HOUSE BILL 5373. Introduced by Representative Feigenholtz, AN ACT concerning health care.
- HOUSE BILL 5374. Introduced by Representative Eddy, AN ACT concerning schools.
- HOUSE BILL 5375. Introduced by Representative Chavez, AN ACT concerning children.
- HOUSE BILL 5376. Introduced by Representative Parke, AN ACT concerning business.
- HOUSE BILL 5377. Introduced by Representative Munson, AN ACT concerning property.
- HOUSE BILL 5378. Introduced by Representative Munson, AN ACT concerning certain telephone service accounts.
- HOUSE BILL 5379. Introduced by Representative Munson, AN ACT concerning civil procedure.
- HOUSE BILL 5380. Introduced by Representative Munson, AN ACT concerning civil law.
- HOUSE BILL 5381. Introduced by Representative Collins, AN ACT concerning criminal law.

### **HOUSE RESOLUTIONS**

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

#### **HOUSE RESOLUTION 857**

Offered by Representative Osterman:

WHEREAS, Couples in divorce, custody, and visitation court proceedings often do not have equal access to financial resources; and

WHEREAS, Perpetrators of domestic violence gain control of financial assets to obtain power and control over their partners and victims; and

WHEREAS, Victims of domestic violence often have no financial assets to help them obtain, or

maintain, custody of their children; and

WHEREAS, Victims of domestic violence often have no financial assets to protect their children from their abusers' repeated custody or visitation disputes; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge all attorneys and other legal advocates involved in divorce, custody, and visitation proceedings in court to responsibly negotiate and litigate the expenditure of marital assets for payment of attorney's fees for both parties during dissolution, post-dissolution, paternity, and domestic violence cases and utilize thereby to the fullest extent possible the significant remedy provisions found in the "leveling law", specifically Section 501(c)(1) of the Illinois Marriage and Dissolution of Marriage Act.

#### HOUSE RESOLUTION 858

Offered by Representative Pihos:

WHEREAS, The LIHEAP program is a federal program administered by the Illinois Department of Healthcare and Family Services to help low income households pay for home heating and cooling bills and to reduce energy consumption; and

WHEREAS, Approximately \$150 million is dedicated to home heating grants, with remaining funds of \$50 million used for weatherization, summer cooling programs, and other energy assistance initiatives; and

WHEREAS, In Fiscal Year 2005, more than \$155 million was granted to over 342,000 households for winter heating needs; and

WHEREAS, This winter the Department of Healthcare and Family Services hopes to provide assistance to 315,500 households; and

WHEREAS, The service target for this winter season is only 40% of eligible households, and nearly 474,000 households will go without assistance; and

WHEREAS, The spending authority for the FY 2006 program remains at the same level that was in place for FY 2005; and

WHEREAS, The U.S. Energy Information Administration announced that Americans nationwide should be prepared to pay up to 48% more on home heating costs this winter; therefore, in light of rising energy prices, funding at the same level year after year is not sufficient; and

WHEREAS, Estimates for the current fiscal year indicate that the State will collect \$1 billion in revenue from all public utility taxes, and by diverting 2% of those tax dollars to the LIHEAP program, the State would generate a consistent funding stream of at least \$20 million; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Governor, in cooperation with the Department of Healthcare and Family Services, to increase State funding for the LIHEAP program in order to provide assistance to more of the households in need; and be it further

RESOLVED, That suitable copies of this resolution be delivered to Governor Rod Blagojevich and the Director of Healthcare and Family Services.

#### HOUSE RESOLUTION 859

Offered by Representative Cross:

WHEREAS, The Cook County Temporary Juvenile Detention Center is under the control of the Cook County Board President; and

WHEREAS, The Cook County Temporary Juvenile Detention Center ("Detention Center") provides temporary secure housing for youth from the age of 10 through 16 years, who are awaiting adjudication of their cases by the Juvenile Division of the Cook County Courts; and

WHEREAS, The Detention Center also provides care for youths who have been transferred from Juvenile Court jurisdiction to Criminal Court; and

WHEREAS, The Detention Center is supposed to provides the children with a safe, secure, and caring environment; and

WHEREAS, There have been numerous newspaper articles alleging problems at the Detention Center;

and

WHEREAS, The newspaper articles allege the existence of "fight rooms" at the Detention Center, where the juveniles are placed in the rooms by Detention Center guards to fight out their differences; and

WHEREAS, The newspaper articles document the appointment of administrators with little or no experience or professional qualifications in running a juvenile detention center; and

WHEREAS, The newspaper articles allege the hiring of unqualified and inexperienced juvenile counselors; and

WHEREAS, The newspaper articles allege that the juveniles are not provided adequate health care while present at the Detention Center; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that an immediate hearing be conducted by the Judiciary II-Criminal Law Committee, in order to hear testimony about these allegations.

**HOUSE JOINT RESOLUTION  
CONSTITUTIONAL AMENDMENT  
FIRST READING**

Representative Black introduced the following:

**HOUSE JOINT RESOLUTION  
CONSTITUTIONAL AMENDMENT 29**

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 1 of Article X of the Illinois Constitution as follows:

**ARTICLE X  
EDUCATION**

**SECTION 1. ~~FUNDAMENTAL RIGHT GOAL~~ - FREE SCHOOLS**

A fundamental ~~right goal~~ of the People of the State is the educational development of all persons to the limits of their capacities.

It is the paramount duty of the State to shall provide for a ~~an~~ thorough and efficient system of high quality public educational institutions and services and to guarantee equality of educational opportunity as a fundamental right of each citizen. Education in public schools through the secondary level shall be free. The State has the preponderant financial responsibility for financing the system of public education. There may be such other free education as the General Assembly provides by law.

~~The State has the primary responsibility for financing the system of public education.~~  
(Source: Illinois Constitution.)

**SCHEDULE**

This Constitutional Amendment takes effect upon being declared adopted in accordance with Section 7 of the Illinois Constitutional Amendment Act.

The foregoing HOUSE JOINT RESOLUTION CONSTITUTIONAL AMENDMENT 29 was taken up, read in full a first time, ordered reproduced and placed in the Committee on Rules.

At the hour of 4:20 o'clock p.m., the House Perfunctory Session adjourned.