STATE OF ILLINOIS

HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-FOURTH GENERAL ASSEMBLY

101ST LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

WEDNESDAY, MARCH 1, 2006

11:28 O'CLOCK A.M.

NO. 101

HOUSE OF REPRESENTATIVES
Daily Journal Index
101st Legislative Day

The House met pursuant to adjournment.

Speaker of the House Madigan in the chair.

Prayer by Father Michael Garanzini, President of Loyola University in Chicago, IL., and Pastor Dorothy Peoples with the New Life Full Gospel Christian Center in Chicago, IL.

Representative Hoffman led the House in the Pledge of Allegiance.

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

116 present. (ROLL CALL 1)

By unanimous consent, Representatives Jerry Mitchell and Patterson were excused from attendance.

REQUEST TO BE SHOWN ON QUORUM

Having been absent when the Quorum Roll Call for Attendance was taken, this is to advise you that I, Representative Jerry Mitchell, should be recorded as present at the hour of 1:10 o'clock p.m.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Joseph Lyons replaced Representative Hannig in the Committee on Rules on March 1, 2006.

Representative Osmond replaced Representative Myers in the Committee on State Government Administration on March 1, 2006.

Representative Molaro replaced Representative Collins in the Committee on State Government Administration on March 1, 2006.

Representative Mathias replaced Representative Jerry Mitchell in the Committee on Elementary & Secondary Education on March 1, 2006.

LETTER OF TRANSMITTAL

March 1, 2006

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

Dear Clerk Mahoney:

Please be advised that I am extending the Final Action Deadline to March 3, 2006, for the following House Bills:

House Bills: 1709, 2197, 2313, 2317, 3126, 3881.

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

With kindest personal regards, I remain.

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

REPORTS FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on March 1, 2006, reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the bills be reported " approved for consideration" and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 1709, 2313, 2317, 3126 and 3881.

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to HOUSE BILL 4342.
Amendment No. 1 to HOUSE BILL 4405.
Amendment No. 1 to HOUSE BILL 4442.
Amendment No. 4 to HOUSE BILL 4521.
Amendment No. 2 to HOUSE BILL 4652.
Amendment No. 2 to HOUSE BILL 4666.
Amendment No. 1 to HOUSE BILL 4703.
Amendment No. 2 to HOUSE BILL 4715.
Amendment No. 2 to HOUSE BILL 4727.
Amendment No. 2 to HOUSE BILL 4735.
Amendment No. 4 to HOUSE BILL 4758.
Amendment No. 2 to HOUSE BILL 4782.
Amendment No. 2 to HOUSE BILL 4805.
Amendment No. 2 to HOUSE BILL 4819.
Amendment No. 3 to HOUSE BILL 4853.
Amendment No. 1 to HOUSE BILL 4977.
Amendment No. 2 to HOUSE BILL 5031.
Amendment No. 3 to HOUSE BILL 5219.
Amendment No. 2 to HOUSE BILL 5227.
Amendment No. 3 to HOUSE BILL 5259.
Amendment No. 2 to HOUSE BILL 5334.
Amendment No. 3 to HOUSE BILL 5337.

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Agriculture & Conservation: HOUSE AMENDMENT No. 3 to HOUSE BILL 4238.
Appropriations-General Services: HOUSE BILLS 5768 and 5769.
Environmental Health: HOUSE AMENDMENT No. 1 to HOUSE BILL 1620.
Executive: HOUSE AMENDMENT No. 1 to HOUSE BILL 2316.
Labor: HOUSE AMENDMENT No. 1 to HOUSE BILL 2113.
Transportation and Motor Vehicles: HOUSE AMENDMENT No. 1 to HOUSE BILL 280; HOUSE AMENDMENT No. 1 to HOUSE BILL 5506; HOUSE AMENDMENT No. 1 to HOUSE BILL 5512.

The committee roll call vote on the foregoing Legislative Measures is as follows:
4, Yeas; 0, Nays; 0, Answering Present.

Y Currie,Barbara(D), Chairperson
Y Lyons,J(D) (replacing Hannig)
A Turner,Arthur(D)
Y Black,William(R), Republican Spokesperson
Y Hassert,Brent(R)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on March 1, 2006, (A) reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the bill be reported “approved for consideration” and be placed on the order of Second Reading--Short Debate: HOUSE BILL 2197.

That the Floor Amendment be reported “recommends be adopted”:
Amendment No. 3 to HOUSE BILL 4333.

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Agriculture & Conservation: HOUSE AMENDMENT No. 1 to HOUSE BILL 2317.
Appropriations-General Services: HOUSE AMENDMENT No. 1 to HOUSE BILL 3905.
Labor: HOUSE AMENDMENT No. 2 to HOUSE BILL 5002.

The committee roll call vote on the foregoing Legislative Measures is as follows:
3, Yeas; 2, Nays; 0, Answering Present.

Y Currie,Barbara(D), Chairperson
Y Hannig,Gary(D)
Y Turner,Arthur(D)
N Black,William(R), Republican Spokesperson
N Hassert,Brent(R)

REPORTS FROM STANDING COMMITTEES

Representative Osterman, Chairperson, from the Committee on Local Government to which the following were referred, action taken on March 1, 2006, reported the same back with the following recommendations:

That the resolution be reported ”recommends be adopted as amended” and be placed on the House Calendar: HOUSE RESOLUTION 881.

The committee roll call vote on House Resolution 881 is as follows:
6, Yeas; 0, Nays; 0, Answering Present.

Y Osterman,Harry(D), Chairperson
A Flider,Robert(D), Vice-Chairperson
Y Mathias,Sidney(R), Republican Spokesperson
Y Ryg,Kathleen(D)
Y Tryon,Michael(R)
A Younge,Wyvetter(D)
Y Beiser,Daniel(D)
A Kelly,Robin(D)
A Moffitt,Donald(R)
Y Sommer,Keith(R)
A Watson,Jim(R)

Representative Delgado, Chairperson, from the Committee on Human Services to which the following were referred, action taken on March 1, 2006, reported the same back with the following recommendations:

That the Floor Amendment be reported “recommends be adopted”:
Amendment No. 2 to HOUSE BILL 4544.

That the resolutions be reported ”recommends be adopted” and be placed on the House Calendar: HOUSE RESOLUTIONS 828, 835, 842, 844, 851, 852, 858, 874, 903 and 932.

The committee roll call vote on House Resolution 842 is as follows:
9, Yeas; 0, Nays; 0, Answering Present.

Y Delgado,William(D), Chairperson
Y Chavez,Michelle(D)
Y Coulson,Elizabeth(R)
Y Dunn,Joe(R)
Y Howard,Constance(D)
Y Jenisch,Roger(R)
Y Bellock,Patricia(R), Republican Spokesperson
A Collins,Annazette(D)
A Cultra,Shane(R)
Y Flowers,Mary(D)
A Jakobsson,Naomi(D)
Y Rita,Robert(D), Vice-Chairperson

The committee roll call vote on Amendment No. 2 to House Bill 4544, House Resolutions 828, 835, 844, 851, 852, 858, 874, 903 and 932 is as follows:
11, Yeas; 0, Nays; 0, Answering Present.

Y Delgado,William(D), Chairperson
Y Chavez,Michelle(D)
Y Coulson,Elizabeth(R)
Y Dunn,Joe(R)
Y Howard,Constance(D)
Y Jenisch,Roger(R)
Y Bellock,Patricia(R), Republican Spokesperson
Y Collins,Annazette(D)
A Cultra,Shane(R)
Y Flowers,Mary(D)
Y Jakobsson,Naomi(D)
Y Rita,Robert(D), Vice-Chairperson

Representative Franks, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken on March 1, 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 4729.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 4572.

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 2734.

That the resolutions be reported "recommends be adopted" and be placed on the House Calendar: HOUSE JOINT RESOLUTIONS 82, 85, 89, 90, 92 and HOUSE RESOLUTIONS 831, 878, 931 and 935.

That the resolution be reported "recommends be adopted as amended" and be placed on the House Calendar: HOUSE JOINT RESOLUTION 93.

The committee roll call vote on House Bill 4729 is as follows:

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

Y Franks,Jack(D), Chairperson
Y Chavez,Michelle(D)
Y Dugan,Lisa(D), Vice-Chairperson
Y Myers,Richard(R)
Y Stephens,Ron(R), Republican Spokesperson
Y Bradley,John(D)
Y Collins,Annazette(D)
A Mitchell,Bill(R)
Y Ramey,Harry(R)

The committee roll call vote on House Joint Resolutions 89, 90, 92, 93 and House Resolutions 831, 878 and 931 is as follows:

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

Y Franks,Jack(D), Chairperson
Y Chavez,Michelle(D)
Y Dugan,Lisa(D), Vice-Chairperson
Y Osmond(R) (replacing Myers)
Y Stephens,Ron(R), Republican Spokesperson
Y Bradley,John(D)
Y Collins,Annazette(D)
A Mitchell,Bill(R)
Y Ramey,Harry(R)

The committee roll call vote on Amendment No. 1 to House Bill 2734, House Bill 4572, House Joint Resolutions 82 and 85, and House Resolution 935 is as follows:

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

Y Franks,Jack(D), Chairperson
Y Chavez,Michelle(D)
Y Dugan,Lisa(D), Vice-Chairperson
Y Osmond(R) (replacing Myers)
Y Stephens,Ron(R), Republican Spokesperson
Y Bradley,John(D)
Y Molaro(D) (replacing Collins)
A Mitchell,Bill(R)
Y Ramey,Harry(R)

Representative Monique Davis, Chairperson, from the Committee on Elementary & Secondary Education to which the following were referred, action taken on March 1, 2006, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 5416.

That the resolutions be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTIONS 836, 905 and 913.

The committee roll call vote on Amendment No. 1 to House Bill 5416 is as follows:

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

A Giles,Calvin(D), Chairperson
P Bassi,Suzanne(R)
Y Chapa LaVia,Linda(D)
Y Dugan,Lisa(D)
Y Flider,Robert(D)
A Miller,David(D)
Y Moffitt,Donald(R)
A Munson,Ruth(R)
Y Pihos,Sandra(R)
Y Reis,David(R)
Y Watson,Jim(R)
P Davis,Monique(D), Vice-Chairperson
Y Beiser,Daniel(D)
P Colvin,Marlow(D)
P Eddy,Roger(R)
Y Joyce,Kevin(D)
Y Mathias(R) (replacing Mitchell,J)
A Mulligan,Rosemary(R)
A Osterman,Harry(D)
Y Pritchard,Robert(R)
A Smith,Michael(D)

The committee roll call vote on House Resolutions 836, 905 and 913 is as follows:

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

A Giles,Calvin(D), Chairperson
Y Bassi,Suzanne(R)
Y Chapa LaVia,Linda(D)
Y Dugan,Lisa(D)
Y Flider,Robert(D)
A Miller,David(D)
Y Moffitt,Donald(R)
Y Munson,Ruth(R)
Y Pihos,Sandra(R)
Y Reis,David(R)
Y Watson,Jim(R)
Y Davis,Monique(D), Vice-Chairperson
Y Beiser,Daniel(D)
Y Colvin,Marlow(D)
Y Eddy,Roger(R)
Y Joyce,Kevin(D)
Y Mathias(R) (replacing Mitchell,J)
A Mulligan,Rosemary(R)
A Osterman,Harry(D)
Y Pritchard,Robert(R)
A Smith,Michael(D)

FISCAL NOTES SUPPLIED

Fiscal Notes have been supplied for HOUSE BILL 4991 and 5578, as amended.

STATE MANDATES FISCAL NOTES SUPPLIED

State Mandates Fiscal Notes have been supplied for HOUSE BILL 4406, as amended, and 5578, as amended.

HOME RULE NOTE SUPPLIED

A Home Rule Note has been supplied for HOUSE BILL 5578, as amended.

FISCAL NOTE WITHDRAWN

Representative Black withdrew his request for a Fiscal Note on HOUSE BILL 4406, as amended.

STATE MANDATES FISCAL NOTE WITHDRAWN

Representative Black withdrew his request for a State Mandates Fiscal Note on HOUSE BILL 4406, as amended.

CHANGE OF SPONSORSHIPS

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Kosel became the new principal sponsor of HOUSE BILL 5391.

With the consent of the affected members, Representative Pritchard was removed as principal sponsor, and Representative Pihos became the new principal sponsor of SENATE BILL 2456.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Beaubien became the new principal sponsor of HOUSE BILL 5407.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Hultgren became the new principal sponsor of HOUSE BILL 3126.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Saviano became the new principal sponsor of HOUSE BILL 5459.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Jerry Mitchell became the new principal sponsor of HOUSE BILL 5417.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Hassert became the new principal sponsor of HOUSE BILL 5512.

With the consent of the affected members, Representative Richard Bradley was removed as principal sponsor, and Representative Black became the new principal sponsor of HOUSE BILL 4973.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Hoffman became the new principal sponsor of HOUSE BILL 2316.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Gordon became the new principal sponsor of HOUSE BILL 1620.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Reitz became the new principal sponsor of HOUSE BILL 2197.

AGREED RESOLUTIONS

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

HOUSE RESOLUTION 972

Offered by Representative Durkin:

Congratulates Rosemarie Courtney on being named the 2006 Darien Citizen of the Year by the Darien City Council.

HOUSE RESOLUTION 974

Offered by Representative Chapa LaVia:

Commends the fifth grade class at Fearn Elementary School in North Aurora for their outstanding ideas and input in the "Create a Bill" contest sponsored by Representative Chapa LaVia and thanks the students for being involved in the legislative process.

HOUSE RESOLUTION 975

Offered by Representative Sullivan:
Congratulates the Libertyville High School Mock Trial Team.

HOUSE RESOLUTION 976

Offered by Representative Rose:
Recognizes the Junior Reserve Officers' Training Corps at Mattoon High School.

HOUSE RESOLUTION 977

Offered by Representative Rose:
Mourns the death of Darrell Dean Tucker of Charleston.

RECALLS

At the request of the principal sponsor, Representative May, HOUSE BILL 5578 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

At the request of the principal sponsor, Representative Kosel, HOUSE BILL 4333 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 Tryon, HOUSE BILL 4314 was taken up and read by title a third time.
And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:
113, Yeas; 2, Nays; 1, Answering Present.
(ROLL CALL 2)
This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.
Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative McGuire, HOUSE BILL 4404 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:
97, Yeas; 18, 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 Beiser, HOUSE BILL 4451 was taken up and read by title a third time.
And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:
116, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 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.

RECALL

At the request of the principal sponsor, Representative Joyce, HOUSE BILL 4457 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 Meyer, HOUSE BILL 4463 was taken up and read by title a third time.

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

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

(ROLL CALL 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 McAuliffe, HOUSE BILL 4546 was taken up and read by title a third time.

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

106, Yeas; 2, Nays; 7, 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 Froehlich, HOUSE BILL 4845 was taken up and read by title a third time.

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

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

(ROLL CALL 7)

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

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

On motion of Representative Soto, HOUSE BILL 5256 was taken up and read by title a third time.

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

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

(ROLL CALL 8)

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

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

On motion of Representative Coulson, HOUSE BILL 5295 was taken up and read by title a third time.

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

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

(ROLL CALL 9)

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

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

On motion of Representative Daniels, HOUSE BILL 5382 was taken up and read by title a third time.

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

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

(ROLL CALL 10)

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

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

On motion of Representative Bill Mitchell, HOUSE BILL 5462 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:

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

(ROLL CALL 11)

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

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

HOUSE BILLS ON SECOND READING

HOUSE BILL 2734. Having been read by title a second time on April 7, 2005, and held on the order of Second Reading, the same was again taken up.

Representative Eddy offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 2734 by replacing everything after the enacting clause with the following:

"Section 5. The Legal Advertising Rate Act is amended by changing Section 1 as follows:

(715 ILCS 15/1) (from Ch. 100, par. 11)

Sec. 1. When any notice, advertisement, proclamation, statement, proposal, ordinance or proceedings of an official body or board or any other matter or material is required by law or by the order or rule of any court to be published in any newspaper, the face of type in which such publication shall be made shall be not smaller than the body type used in the classified advertising in the newspaper in which such publication is made. The minimum ~~reasonable~~ rate shall be 20 cents per column line for each insertion. The maximum rate for each insertion shall not exceed the newspaper's annually published rate for comparable local advertising space.

(Source: P.A. 80-504.)".

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

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

HOUSE BILL 4405. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Sullivan offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 4405 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by adding Section 2705-555.5 as follows:

(20 ILCS 2705/2705-555.5 new)

Sec. 2705-555.5. Lease of vacant land to unit of local government or school district. If the Department

owns vacant land within a unit of local government, forest preserve district, park district, or school district, the Department of Transportation may enter into a lease agreement for a term of one year with the unit of local government, forest preserve district, park district, or the school district for use of the vacant land. The lease agreement may be for less than fair market value and must prohibit the unit of local government, forest preserve district, park district, or school district from erecting any permanent structure upon the property.

For the purposes of this Section, "permanent structure" means any building that is not mobile.

Section 10. The Counties Code is amended by adding Section 5-1083.5 as follows:

(55 ILCS 5/5-1083.5 new)

Sec. 5-1083.5. Lease with Department of Transportation for vacant lands. If the Department of Transportation owns vacant land within a county, the county may enter into a lease agreement with the Department for a term of one year for use of the vacant land. The lease agreement may be for less than fair market value and must prohibit the county from erecting any permanent structure upon the property.

For the purposes of this Section, "permanent structure" means any building that is not mobile.

Section 15. The Township Code is amended by adding Section 105-5.5 as follows:

(60 ILCS 1/105-5.5 new)

Sec. 105-5.5. Lease with Department of Transportation for vacant lands. If the Department of Transportation owns vacant land within a township, the Department may enter into a lease agreement with the township for a term of one year for use of the vacant land. The lease agreement may be for less than fair market value and must prohibit the township from erecting any permanent structure upon the property.

For the purposes of this Section, "permanent structure" means any building that is not mobile.

Section 20. The Illinois Municipal Code is amended by adding Section 11-77-5 as follows:

(65 ILCS 5/11-77-5 new)

Sec. 11-77-5. Lease with Department of Transportation for vacant lands. If the Department of Transportation owns vacant land within a municipality, the Department of Transportation may enter into a lease agreement with the municipality for a term of one year for use of the vacant land. The lease agreement may be for less than fair market value and must prohibit the municipality from erecting any permanent structure upon the property.

For the purposes of this Section, "permanent structure" means any building that is not mobile.

Section 22. The Downstate Forest Preserve District Act is amended by adding Section 6f as follows:

(70 ILCS 805/6f new)

Sec. 6f. Lease with Department of Transportation for vacant lands. If the Department of Transportation owns vacant land within a forest preserve district, the forest preserve district may enter into a lease agreement with the Department for a term of one year for use of the vacant land. The lease agreement may be for less than fair market value and must prohibit the forest preserve district from erecting any permanent structure upon the property.

For the purposes of this Section, "permanent structure" means any building that is not mobile.

Section 23. The Cook County Forest Preserve District Act is amended by adding Section 39.1 as follows:

(70 ILCS 810/39.1 new)

Sec. 39.1. Lease with Department of Transportation for vacant lands. If the Department of Transportation owns vacant land within a forest preserve district, the forest preserve district may enter into a lease agreement with the Department for a term of one year for use of the vacant land. The lease agreement may be for less than fair market value and must prohibit the forest preserve district from erecting any permanent structure upon the property.

For the purposes of this Section, "permanent structure" means any building that is not mobile.

Section 25. The Park District Code is amended by adding Section 8-12a as follows:

(70 ILCS 1205/8-12a new)

Sec. 8-12a. Leases with Department of Transportation for vacant lands. If the Department of Transportation owns vacant land within a park district, the park district may enter into a lease agreement with the Department for a term of one year for use of the vacant land. The lease agreement may be for less than fair market value and must prohibit the park district from erecting any permanent structure upon the property.

For the purposes of this Section, "permanent structure" means any building that is not mobile.

Section 30. The School Code is amended by adding Section 10-22-12a as follows:

(105 ILCS 5/10-22-12a new)

Sec. 10-22-12a. Leases with Department of Transportation for vacant lands. If the Department of Transportation owns vacant land within a school district, the school district may enter into a lease

agreement with the Department for a term of one year for use of the vacant land. The lease agreement may be for less than fair market value and must prohibit the school district from erecting any permanent structure upon the property.

For the purposes of this Section, "permanent structure" means any building that is not mobile.

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

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

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

HOUSE BILL 4406. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

HOUSE BILL 4447. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Jones offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 4447 by replacing everything after the enacting clause with the following:

"Section 5. The Children's Health Insurance Program Act is amended by changing Section 10 as follows:

(215 ILCS 106/10)

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

"Benchmarking" means health benefits coverage as defined in Section 2103 of the Social Security Act.

"Child" means a person under the age of 19 or a dependent child enrolled in an education program as provided in Section 43 of the Covering ALL KIDS Health Insurance Act.

"Department" means the Department of Healthcare and Family Services ~~Public Aid~~.

"Medical assistance" means health care benefits provided under Article V of the Illinois Public Aid Code.

"Medical visit" means a hospital, dental, physician, optical, or other health care visit where services are provided pursuant to this Act.

"Program" means the Children's Health Insurance Program, which includes subsidizing the cost of privately sponsored health insurance and purchasing or providing health care benefits for eligible children.

"Resident" means a person who meets the residency requirements as defined in Section 5-3 of the Illinois Public Aid Code.

(Source: P.A. 90-736, eff. 8-12-98; revised 12-15-05.)

Section 10. The Covering ALL KIDS Health Insurance Act is amended by changing Section 10 and by adding Section 43 as follows:

(215 ILCS 170/10)

(Section scheduled to be repealed on July 1, 2011)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 10. Definitions. In this Act:

"Application agent" means an organization or individual, such as a licensed health care provider, school, youth service agency, employer, labor union, local chamber of commerce, community-based organization, or other organization, approved by the Department to assist in enrolling children in the Program.

"Child" means a person under the age of 19 or a dependent child enrolled in an education program as provided in Section 43 of this Act.

"Department" means the Department of Healthcare and Family Services.

"Medical assistance" means health care benefits provided under Article V of the Illinois Public Aid Code.

"Program" means the Covering ALL KIDS Health Insurance Program.

"Resident" means an individual (i) who is in the State for other than a temporary or transitory purpose during the taxable year or (ii) who is domiciled in this State but is absent from the State for a temporary or transitory purpose during the taxable year.

(Source: P.A. 94-693, eff. 7-1-06.)

(215 ILCS 170/43 new)

Sec. 43. Dependent children enrolled in education programs.

(a) The Department may establish a buy-in option for the Program for dependent children age 19 to 23 if that child (i) was enrolled in the Program prior to turning 19 years of age, (ii) is attending high school or a post-secondary education program full-time, including, but not limited to, a GED program, community college, vocational/technical school, or 2 year or 4 year college, and (iii) is eligible to be claimed as a dependent for income tax purposes.

A child eligible for the Program under this Section must remain in good standing in the education program during the entire time that the child is enrolled in the Program

(b) The Department may adopt rules necessary to establish eligibility, co-pay, and premium requirements for children enrolled in the Program under this Section. Health benefits available to the dependent child through the education program he or she is enrolled in must be taken into consideration when determining a child's co-pay and premium.

(c) The Department may adopt rules to assist a child eligible for the Program under this Section in paying premiums for health care coverage through the child's education program as an alternative to enrollment in the Program.

Section 15. The Illinois Public Aid Code is amended by changing Section 5-2 as follows:

(305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

Sec. 5-2. Classes of Persons Eligible. Medical assistance under this Article shall be available to any of the following classes of persons in respect to whom a plan for coverage has been submitted to the Governor by the Illinois Department and approved by him:

1. Recipients of basic maintenance grants under Articles III and IV.

2. Persons otherwise eligible for basic maintenance under Articles III and IV but who fail to qualify thereunder on the basis of need, and who have insufficient income and resources to meet the costs of necessary medical care, including but not limited to the following:

(a) All persons otherwise eligible for basic maintenance under Article III but who fail to qualify under that Article on the basis of need and who meet either of the following requirements:

(i) their income, as determined by the Illinois Department in accordance with any federal requirements, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002 and until a date to be determined by the Department by rule, and equal to or less than 100% beginning on the date determined by the Department by rule, of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size; or

(ii) their income, after the deduction of costs incurred for medical care and for other types of remedial care, is equal to or less than 70% in fiscal year 2001, equal to or less than 85% in fiscal year 2002 and until a date to be determined by the Department by rule, and equal to or less than 100% beginning on the date determined by the Department by rule, of the nonfarm income official poverty line, as defined in item (i) of this subparagraph (a).

(b) All persons who would be determined eligible for such basic maintenance under Article IV by disregarding the maximum earned income permitted by federal law.

3. Persons who would otherwise qualify for Aid to the Medically Indigent under Article VII.

4. Persons not eligible under any of the preceding paragraphs who fall sick, are injured, or die, not having sufficient money, property or other resources to meet the costs of necessary medical care or funeral and burial expenses.

5.(a) Women during pregnancy, after the fact of pregnancy has been determined by medical diagnosis, and during the 60-day period beginning on the last day of the pregnancy, together with their infants and children born after September 30, 1983, whose income and resources are insufficient to meet the costs of necessary medical care to the maximum extent possible under Title XIX of the Federal Social Security Act.

(b) The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 5(a) by April 1, 1990. Such plan shall provide ambulatory prenatal care to pregnant women during a presumptive eligibility period and establish an income eligibility standard that is equal to 133% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget

Reconciliation Act of 1981, applicable to families of the same size, provided that costs incurred for medical care are not taken into account in determining such income eligibility.

(c) The Illinois Department may conduct a demonstration in at least one county that will provide medical assistance to pregnant women, together with their infants and children up to one year of age, where the income eligibility standard is set up to 185% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget. The Illinois Department shall seek and obtain necessary authorization provided under federal law to implement such a demonstration. Such demonstration may establish resource standards that are not more restrictive than those established under Article IV of this Code.

6. Persons under the age of 18 who fail to qualify as dependent under Article IV and who have insufficient income and resources to meet the costs of necessary medical care to the maximum extent permitted under Title XIX of the Federal Social Security Act.

7. Persons who are under 21 years of age and would qualify as disabled as defined under the Federal Supplemental Security Income Program, provided medical service for such persons would be eligible for Federal Financial Participation, and provided the Illinois Department determines that:

(a) the person requires a level of care provided by a hospital, skilled nursing facility, or intermediate care facility, as determined by a physician licensed to practice medicine in all its branches;

(b) it is appropriate to provide such care outside of an institution, as determined by a physician licensed to practice medicine in all its branches;

(c) the estimated amount which would be expended for care outside the institution is not greater than the estimated amount which would be expended in an institution.

8. Persons who become ineligible for basic maintenance assistance under Article IV of this Code in programs administered by the Illinois Department due to employment earnings and persons in assistance units comprised of adults and children who become ineligible for basic maintenance assistance under Article VI of this Code due to employment earnings. The plan for coverage for this class of persons shall:

(a) extend the medical assistance coverage for up to 12 months following termination of basic maintenance assistance; and

(b) offer persons who have initially received 6 months of the coverage provided in paragraph (a) above, the option of receiving an additional 6 months of coverage, subject to the following:

(i) such coverage shall be pursuant to provisions of the federal Social Security Act;

(ii) such coverage shall include all services covered while the person was eligible for basic maintenance assistance;

(iii) no premium shall be charged for such coverage; and

(iv) such coverage shall be suspended in the event of a person's failure without good cause to file in a timely fashion reports required for this coverage under the Social Security Act and coverage shall be reinstated upon the filing of such reports if the person remains otherwise eligible.

9. Persons with acquired immunodeficiency syndrome (AIDS) or with AIDS-related conditions with respect to whom there has been a determination that but for home or community-based services such individuals would require the level of care provided in an inpatient hospital, skilled nursing facility or intermediate care facility the cost of which is reimbursed under this Article. Assistance shall be provided to such persons to the maximum extent permitted under Title XIX of the Federal Social Security Act.

10. Participants in the long-term care insurance partnership program established under the Partnership for Long-Term Care Act who meet the qualifications for protection of resources described in Section 25 of that Act.

11. Persons with disabilities who are employed and eligible for Medicaid, pursuant to Section 1902(a)(10)(A)(ii)(xv) of the Social Security Act, as provided by the Illinois Department by rule.

12. Subject to federal approval, persons who are eligible for medical assistance coverage under applicable provisions of the federal Social Security Act and the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000. Those eligible persons are defined to include, but not be limited to, the following persons:

(1) persons who have been screened for breast or cervical cancer under the U.S.

Centers for Disease Control and Prevention Breast and Cervical Cancer Program established under Title XV of the federal Public Health Services Act in accordance with the requirements of Section 1504 of that Act as administered by the Illinois Department of Public Health; and

(2) persons whose screenings under the above program were funded in whole or in part by funds appropriated to the Illinois Department of Public Health for breast or cervical cancer screening.

"Medical assistance" under this paragraph 12 shall be identical to the benefits provided under the State's approved plan under Title XIX of the Social Security Act. The Department must request federal approval of the coverage under this paragraph 12 within 30 days after the effective date of this amendatory Act of the 92nd General Assembly.

13. Subject to appropriation and to federal approval, persons living with HIV/AIDS who are not otherwise eligible under this Article and who qualify for services covered under Section 5-5.04 as provided by the Illinois Department by rule.

14. Persons who are dependent children enrolled in an education program as provided in Section 43 of the Covering ALL KIDS Health Insurance Act.

The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 7 as soon as possible after July 1, 1984.

The eligibility of any such person for medical assistance under this Article is not affected by the payment of any grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act. The Department shall by rule establish the amounts of assets to be disregarded in determining eligibility for medical assistance, which shall at a minimum equal the amounts to be disregarded under the Federal Supplemental Security Income Program. The amount of assets of a single person to be disregarded shall not be less than $2,000, and the amount of assets of a married couple to be disregarded shall not be less than $3,000.

To the extent permitted under federal law, any person found guilty of a second violation of Article VIIIA shall be ineligible for medical assistance under this Article, as provided in Section 8A-8.

The eligibility of any person for medical assistance under this Article shall not be affected by the receipt by the person of donations or benefits from fundraisers held for the person in cases of serious illness, as long as neither the person nor members of the person's family have actual control over the donations or benefits or the disbursement of the donations or benefits.

(Source: P.A. 93-20, eff. 6-20-03; 94-629, eff. 1-1-06.)

Section 99. Effective date. This Act takes effect July 1, 2006.".

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

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

HOUSE BILL 4521. Having been recalled on February 24, 2006, and held on the order of Second Reading, the same was again taken up.

Floor Amendment No. 2 was tabled in the Committee on Transportation and Motor Vehicles.

Representative Sacia offered the following amendment and moved its adoption.

AMENDMENT NO. 4. Amend House Bill 4521, AS AMENDED, in Section 15, Sec. 27.5, subsection (a), the first sentence, after "reimbursement for the costs of an emergency response as provided under Section 11-501 of the Illinois Vehicle Code,", by inserting "the court supervision fees collected under Section 16-104c of the Illinois Vehicle Code,"; and

in Section 15, Sec. 27.6, subsection (a), the first sentence, after "reimbursement for the costs of an emergency response as provided under Section 11-501 of the Illinois Vehicle Code,", by inserting "the court supervision fees collected under Section 16-104c of the Illinois Vehicle Code,"; and

below Section 20, below the source line of Sec. 5-6-1, by inserting the following:

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

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

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

HOUSE BILL 4523. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Registration and Regulation, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 4523 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Tattoo and Body Piercing Establishment Registration Act.

Section 5. Purpose. It has been established that non-sterile needles can lead to the spread of certain blood-borne illnesses such as Hepatitis and HIV. Tattoo and body piercing practices affect the health, safety, and welfare of the public, therefore, the General Assembly finds that the regulation of tattoo and body piercing establishments by the State is necessary to ensure public health, safety, and welfare. It is further declared that the purpose of this Act is to provide for a safe and adequate blood supply. This Act shall be liberally construed to carry out these objectives and purposes.

Section 10. Definitions. In this Act:

"Body piercing" means penetrating the skin to make a hole, mark, or scar that is generally permanent in nature. "Body piercing" does not include practices that are considered medical procedures or the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized, single-use stud and clasp ear piercing system.

"Client" means the person, customer, or patron whose skin will be tattooed or pierced.

"Communicable disease" means a disease that can be transmitted from person to person directly or indirectly, including diseases transmitted via blood or body fluids.

"Department" means the Department of Public Health or other health authority designated as its agent.

"Director" means the Director of Public Health or his or her designee.

"Establishment" means body-piercing operation, a tattooing operation, or a combination of both operations in a multiple-type establishment.

"Ink cup" means a small container for an individual portion of pigment that may be installed in a holder or palette and in which a small amount of pigment of a given color is placed.

"Multi-type establishment" means an operation encompassing both body piercing and tattooing on the same premises and under the same management.

"Operator" means an individual, partnership, corporation, association, or other entity engaged in the business of owning, managing, or offering services of body piercing or tattooing.

"Single use" means items that are intended for one time and one person use only and are to then be discarded.

"Sterilize" means to treat an object or surface with a procedure that kills or irreversibly inactivates all microorganisms, including bacteria, viruses, and pathogenic fungi and their spores.

"Tattooing" means making permanent marks on the skin of a live human being by puncturing the skin and inserting indelible colors. "Tattooing" includes imparting permanent makeup on the skin, such as permanent lip coloring and permanent eyeliner. "Tattooing" does not include any of the following:

(1) The practice of electrology as defined in the Electrology Licensing Act.

(2) The practice of acupuncture as defined in the Acupuncture Licensing Act.

(3) The use, by a physician licensed to practice medicine in all its branches, of colors, dyes, or pigments for the purpose of obscuring scar tissue or imparting color to the skin for cosmetic, medical, or figurative purposes.

Section 15. Registration required.

(a) A certificate of registration issued by the Department shall be required prior to the operation of any establishment or multi-type establishment. The owner of the facility shall file an application for a certificate of registration with the Department that shall be accompanied by the requisite fee, as determined by the Department, and include all of the following information:

(1) The applicant's (owner) name, address, telephone number, and age. In order to qualify for a certificate of registration under this Act, an applicant must be at least 18 years of age.

(2) The name, address, and phone number of the establishment.

(3) The type and year of manufacture of the equipment proposed to be used for tattooing or body piercing.

(4) The sterilization and operation procedures to be used by the establishment.

(5) Any other information required by the Department.

(b) If the owner owns or operates more than one establishment, the owner shall file a separate application for each facility owned or operated.

Section 20. Temporary registration. A temporary certificate of registration may be issued by the Department for educational, trade show, or product demonstration purposes only. The temporary certificate of registration shall be valid for a maximum of 14 calendar days.

Section 25. Operating requirements. All establishments registered under this Act must comply with the following requirements:

(1) An establishment must use single use disposable needles on each client, or, if the same needle is used on more than one client, then the needles used must undergo sterilization procedures established by the Department after each use.

(2) Single use ink must be used for tattoos.

(3) Any additional requirements established by the Department.

Section 30. Duties of the Department; rulemaking.

(a) Before issuing a certificate of registration to an applicant, the Department, or its designee, shall inspect the premises of the establishment to insure compliance under the requirements of this Act.

(b) Once a certificate of registration is issued, the Department shall periodically inspect each establishment registered under this Act to ensure compliance.

(c) The Department shall adopt any rules deemed necessary for the implementation and administration of this Act.

Section 35. Expiration and renewal of registration; display.

(a) A certificate of registration issued under this Act shall expire and may be renewed annually.

(b) Registration is valid for a single location and only for the operator named on the certificate. Registration is not transferable.

(c) The certificate of registration issued by the Department shall be conspicuously displayed within the sight of clients upon entering the establishment.

Section 40. Change of ownership. In the event of a change of ownership, the new owner must apply for a certificate of registration prior to taking possession of the property. A provisional certificate of registration may be issued by the Department until an initial inspection for a certificate of registration can be performed by the Department or its designee.

Section 45. Denial; suspension; revocation; nonrenewal of registration. A certificate of registration may be denied, suspended, revoked, or the renewal of a certificate of registration may be denied for any of the following reasons:

Violation of any of the provisions of this Act or the rules and regulations adopted by the Department under this Act.

Conviction of an applicant or registrant of an offense arising from false, fraudulent, deceptive, or misleading advertising. The record of conviction or a certified copy shall be conclusive evidence of the conviction.

Revocation of a certificate of registration during the previous 5 years or surrender or expiration of the certificate of registration during the pendency of action by the Department to revoke or suspend the certificate of registration during the previous 5 years, if before the certificate of registration was issued to the individual applicant, a controlling owner or controlling combination of owners of the applicant, or any affiliate of the individual applicant or controlling owner of the applicant or affiliate of the applicant, was a controlling owner of the prior certificate of registration.

Section 50. Administration; enforcement.

(a) The Department may establish a training program for the Department agents for administration and enforcement of this Act.

(b) In the administration and enforcement of this Act, the Department may designate and use State certified local health departments as its agents in the administration and enforcement of this Act and rules.

Section 55. Investigation; hearing; notice. The Department may, upon its own motion, and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for the denial of an application for a certificate of registration, or refusal to renew a certificate of registration, or revocation of a certificate of registration, or suspension of a certificate of registration, investigate the

applicant or registrant. The Department, after notice and opportunity for hearing, may deny any application for or suspend or revoke a certificate of registration or may refuse to renew a certificate of registration. Before denying an application or refusing to renew, suspending, or revoking a certificate of registration, the Department shall notify the applicant in writing. The notice shall specify the charges or reasons for the Department's contemplated action. The applicant or registrant must request a hearing within 10 days after receipt of the notice. Failure to request a hearing within 10 days shall constitute a waiver of the right to a hearing.

Section 60. Conduct of hearing.

(a) The hearing shall be conducted by the Director, or an individual designated in writing by the Director as a hearing officer. The Director or hearing officer may compel by subpoena or subpoena duces tecum the attendance and testimony of witnesses and the production of books and papers, and administer oaths to witnesses. The hearing shall be conducted at a place designated by the Department. The procedures governing hearings and the issuance of final orders under this Act shall be in accordance with rules adopted by the Department.

(b) All subpoenas issued by the Director or hearing officer may be served as provided for in civil actions. The fees of witnesses for attendance and travel shall be the same as the fees for witnesses before the circuit court and shall be paid by the party to the proceedings at whose request the subpoena is issued. If a subpoena is issued at the request of the Department, the witness fee shall be paid as an administrative expense.

(c) In cases of refusal of a witness to attend or testify, or to produce books or papers, concerning any matter upon which he or she might be lawfully examined, the circuit court of the county wherein the hearing is held, upon application of any party to the proceeding, may compel obedience by proceeding as for contempt as in cases of a like refusal to obey a similar order of the court.

Section 65. Findings of fact; conclusions of law; decision. The Director or hearing officer shall make findings of fact and conclusions of law in a hearing, and the Director shall render his or her decision, or the hearing officer his or her proposal for decision within 45 days after the termination of the hearing unless additional time is required by the Director or hearing officer for a proper disposition of the matter. A copy of the final decision of the Director shall be served upon the applicant or registrant in person or by certified mail.

Section 70. Review under Administrative Review Law; venue; costs. All final administrative decisions of the Department under this Act shall be subject to judicial review under the provisions of Article III of the Code of Civil Procedure. The term "administrative decision" is defined under Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides; provided, that if the party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record or file any answer or otherwise appear in any proceeding for judicial review unless the party filing the complaint deposits with the clerk of the court the sum of 95¢ per page representing costs of certification of the record or file. Failure on the part of the plaintiff to make the deposit shall be grounds for dismissal of the action.

Section 75. Administrative Procedure Act; application. The provisions of the Illinois Administrative Procedure Act are hereby expressly adopted and shall apply to all administrative rules and procedure of the Department under this Act, except that in case of conflict between the Illinois Administrative Procedure Act and this Act the provisions of this Act shall control, and except that Section 5 of the Illinois Administrative Procedure Act relating to procedures for rulemaking does not apply to the adoption of any rules required by federal law in connection with which the Department is precluded by law from exercising any discretion.

Section 80. Penalties; fines. The Department is authorized to establish and assess penalties or fines against a registrant for violations of this Act or regulations adopted under this Act. In no circumstance will any penalties or fines exceed $1,000 per day for each day the registrant remains in violation.

Section 85. Public nuisance.

(a) Any establishment operating without a valid certificate of registration or operating on a revoked certificate of registration shall be guilty of committing a public nuisance.

(b) A person convicted of knowingly maintaining a public nuisance commits a Class A misdemeanor. Each subsequent offense under this Section is a Class 4 felony.

(c) The Attorney General of this State or the States Attorney of the county wherein the nuisance exists may commence an action to abate the nuisance. The court may without notice or bond enter a temporary

restraining order or a preliminary injunction to enjoin the defendant from operating in violation of this Act.

Section 90. Tattoo and Body Piercing Establishment Registration Fund. There is hereby created in the State Treasury a special fund to be known as the Tattoo and Body Piercing Establishment Registration Fund. All fees and fines collected by the Department under this Act and any agreement for the implementation of this Act and rules under this Act and any federal funds collected pursuant to the administration of this Act shall be deposited into the Fund. The amount deposited shall be appropriated by the General Assembly to the Department for the purpose of conducting activities relating to tattooing and body piercing establishments.

Section 905. The State Finance Act is amended by adding Section 5.663 as follows:

(30 ILCS 105/5.663 new)

Sec. 5.663. The Tattoo and Body Piercing Establishment Registration Fund.".

Representative Bellock offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4523, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, immediately below line 17, by inserting the following:

""Aseptic technique" means a practice that prevents and hinders the transmission of disease-producing microorganisms from one person or place to another."; and

on page 2, immediately below line 18, by inserting the following:

""Procedure area" means the immediate area where instruments and supplies are placed during a procedure."; and

on page 2, immediately below line 21, by inserting the following:

""Sanitation" means the effective bactericidal and veridical treatment of clean equipment surfaces by a process that effectively destroys pathogens."; and

on page 2, by replacing lines 24 through 27 with the following:

""Sterilize" means to destroy all living organisms including spores."; and

on page 4, by replacing lines 5 through 12 with the following:

"(1) An establishment must ensure that all body piercing and tattooing procedures are performed in a clean and sanitary environment that is consistent with sanitation techniques established by the Department.

(2) An establishment must ensure that all body piercing and tattooing procedures are performed in a manner that is consistent with an aseptic technique established by the Department.

(3) An establishment must ensure that all equipment and instruments used in body piercing and tattooing procedures are either single use and pre-packaged instruments or in compliance with sterilization techniques established by the Department.

(4) An establishment must ensure that single use ink is used in all tattooing procedures."; and

on page 4, immediately below line 12, by inserting the following:

"Section 27. Prohibitions. Body piercing procedures must not be performed, without medical clearance, on skin surfaces where sunburn, rash, acne, infection, open lesions, or other questionable skin lesions exist and must not be performed on any person who is impaired by drugs or alcohol."; and

on page 4, line 19, by replacing "shall" with "may"; and

on page 6, line 3, by replacing "State certified local health" with "State-certified, local public health"; and

on page 6, immediately below line 5, by inserting the following:

"(c) The Department shall issue grants to State-certified, local public health departments acting as agents of the Department based on 75% of the total fees and fines collected in the jurisdiction of the State-certified, local public health department for the enforcement and administration of this Act.

(d) The Department or a State-certified, local public health department acting as an agent of the Department in the administration and enforcement of this Act may use the local administrative review process of the State-certified, local public health department to resolve disputes."; and

on page 9, by replacing lines 24 and 25 with the following:

"Section 905. The State Finance Act is amended by adding Section 5.663 and by changing Section 8h as follows:"; and

on page 9, line 28, by replacing "Fund." with the following:

"Fund.

(30 ILCS 105/8h)

Sec. 8h. Transfers to General Revenue Fund.

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

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

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

(b) This Section does not apply to: (i) the Ticket For The Cure Fund; (ii) ~~or to~~ any fund established under the Community Senior Services and Resources Act; or (iii) ~~(ii)~~ on or after January 1, 2006 (the effective date of Public Act 94-511) ~~this amendatory Act of the 94th General Assembly~~, the Child Labor and Day and Temporary Labor Enforcement Fund.

(c) This Section does not apply to the Demutualization Trust Fund established under the Uniform Disposition of Unclaimed Property Act.

(d) ~~(c)~~ This Section does not apply to moneys set aside in the Illinois State Podiatric Disciplinary Fund for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; revised 1-23-06.)".

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

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

HOUSE BILL 4527. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

HOUSE BILL 4652. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Higher Education, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 4652, on page 6, line 14, by deleting "an"; and on page 6, immediately below line 15, by inserting the following:

"The participating institution shall determine student eligibility using the federal definition for need-based student aid, defined as the estimated family contribution subtracted from the institutional cost of attendance. A student shall be eligible for assistance under this Section if the institution determines that the student has remaining need, according to information provided by the student's completed Free Application for Federal Student Aid, as applied to the federal definition for need-based student aid.".

Representative McCarthy offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4652, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Financial Assistance Act for Nonpublic Institutions of Higher Learning is amended by changing Section 1 as follows:

(110 ILCS 210/1) (from Ch. 144, par. 1331)

Sec. 1. This Act shall be known and ~~and~~ may be cited as the "Illinois Financial Assistance Act for Nonpublic Institutions of Higher Learning".

(Source: P.A. 77-273.)".

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

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

HOUSE BILL 4657. Having been recalled on February 24, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Dunkin offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 4657 on page 3, by replacing lines 2 through 5 with the following:

"3. When the Secretary of State is notified by the United States Department of Transportation that a vehicle is in violation of the Federal Motor Carrier Safety Regulations, as they are now or hereafter amended, and is prohibited from operating.".

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 4666. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Turner offered the following amendments and moved their adoption.

AMENDMENT NO. 1. Amend House Bill 4666 by replacing everything after the enacting clause with the following:

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

(20 ILCS 2105/2105-400)

Sec. 2105-400. Emergency Powers.

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

Department of Public Health:

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

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

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

(b) Persons exempt from licensure under paragraph (1) of subsection (a) of this Section and persons operating under modified scope of practice provisions under paragraph (2) of subsection (a) of this Section shall be exempt from licensure or be subject to modified scope of practice only until the declared disaster has ended as provided by law. <u>For purposes of this Section, persons working under the direction of an emergency services and disaster agency accredited by the Illinois Emergency Management Agency and a local public health department, pursuant to a declared disaster, shall be deemed to be working under the direction of the Illinois Emergency Management Agency and the Department of Public Health.</u>

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

(Source: P.A. 93-829, eff. 7-28-04.)

Section 10. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-625 as follows:

(20 ILCS 2310/2310-625)

Sec. 2310-625. Emergency Powers.

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

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

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

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

(b) Persons exempt from licensure or certification under paragraph (1) of subsection (a) and persons operating under modified scope of practice provisions under paragraph (2) of subsection (a) and paragraph (3) of subsection (a) shall be exempt from licensure or certification or subject to modified scope of practice only until the declared disaster has ended as provided by law. <u>For purposes of this Section, persons working under the direction of an emergency services and disaster agency accredited by the Illinois Emergency Management Agency and a local public health department, pursuant to a declared disaster, shall be deemed to be working under the direction of the Illinois Emergency Management Agency and the Department of Public Health.</u>

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

(Source: P.A. 93-829, eff. 7-28-04.)

Section 15. The Illinois Emergency Management Agency Act is amended by changing Section 10 as follows:

(20 ILCS 3305/10) (from Ch. 127, par. 1060)

Sec. 10. Emergency Services and Disaster Agencies.

(a) Each political subdivision within this State shall be within the jurisdiction of and served by the

Illinois Emergency Management Agency and by an emergency services and disaster agency responsible for emergency management programs. A township, if the township is in a county having a population of more than 2,000,000, must have approval of the county coordinator before establishment of a township emergency services and disaster agency.

(b) Unless multiple county emergency services and disaster agency consolidation is authorized by the Illinois Emergency Management Agency with the consent of the respective counties, each county shall maintain an emergency services and disaster agency that has jurisdiction over and serves the entire county, except as otherwise provided under this Act and except that in any county with a population of over 3,000,000 containing a municipality with a population of over 500,000 the jurisdiction of the county agency shall not extend to the municipality when the municipality has established its own agency.

(c) Each municipality with a population of over 500,000 shall maintain an emergency services and disaster agency which has jurisdiction over and serves the entire municipality. A municipality with a population less than 500,000 may establish, by ordinance, an agency or department responsible for emergency management within the municipality's corporate limits.

(d) The Governor shall determine which municipal corporations, other than those specified in paragraph (c) of this Section, need emergency services and disaster agencies of their own and require that they be established and maintained. The Governor shall make these determinations on the basis of the municipality's disaster vulnerability and capability of response related to population size and concentration. The emergency services and disaster agency of a county or township, shall not have a jurisdiction within a political subdivision having its own emergency services and disaster agency, but shall cooperate with the emergency services and disaster agency of a city, village or incorporated town within their borders. The Illinois Emergency Management Agency shall publish and furnish a current list to the municipalities required to have an emergency services and disaster agency under this subsection.

(e) Each municipality that is not required to and does not have an emergency services and disaster agency shall have a liaison officer designated to facilitate the cooperation and protection of that municipal corporation with the county emergency services and disaster agency in which it is located in the work of disaster mitigation, preparedness, response, and recovery.

(f) The principal executive officer or his or her designee of each political subdivision in the State shall annually notify the Illinois Emergency Management Agency of the manner in which the political subdivision is providing or securing emergency management, identify the executive head of the agency or the department from which the service is obtained, or the liaison officer in accordance with paragraph (d) of this Section and furnish additional information relating thereto as the Illinois Emergency Management Agency requires.

(g) Each emergency services and disaster agency shall prepare an emergency operations plan for its geographic boundaries that complies with planning, review, and approval standards promulgated by the Illinois Emergency Management Agency. The Illinois Emergency Management Agency shall determine which jurisdictions will be required to include earthquake preparedness in their local emergency operations plans.

(h) The emergency services and disaster agency shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local departments and officials and of the disaster chain of command.

(i) Each emergency services and disaster agency shall have a Coordinator who shall be appointed by the principal executive officer of the political subdivision in the same manner as are the heads of regular governmental departments. If the political subdivision is a county and the principal executive officer appoints the sheriff as the Coordinator, the sheriff may, in addition to his or her regular compensation, receive compensation at the same level as provided in Section 3 of "An Act in relation to the regulation of motor vehicle traffic and the promotion of safety on public highways in counties", approved August 9, 1951, as amended. The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the emergency services and disaster agency, subject to the direction and control of that principal executive officer. Each emergency services and disaster agency shall coordinate and may perform emergency management functions within the territorial limits of the political subdivision within which it is organized as are prescribed in and by the State Emergency Operations Plan, and programs, orders, rules and regulations as may be promulgated by the Illinois Emergency Management Agency and by local ordinance and, in addition, shall conduct such functions outside of those territorial limits as may be required under mutual aid agreements and compacts as are entered into under subparagraph (5) of paragraph (c) of Section 6.

(j) In carrying out the provisions of this Act, each political subdivision may enter into contracts and incur

obligations necessary to place it in a position effectively to combat the disasters as are described in Section 4, to protect the health and safety of persons, to protect property, and to provide emergency assistance to victims of those disasters. If a disaster occurs, each political subdivision may exercise the powers vested under this Section in the light of the exigencies of the disaster and, excepting mandatory constitutional requirements, without regard to the procedures and formalities normally prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation, expenditure, and disposition of public funds and property.

(k) Volunteers who, while engaged in a disaster, an exercise, training related to the emergency operations plan of the political subdivision, or a search-and-rescue team response to an occurrence or threat of injury or loss of life that is beyond local response capabilities, suffer disease, injury or death, shall, for the purposes of benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act only, be deemed to be employees of the State, if: (1) the claimant is a duly qualified and enrolled (sworn in) as a volunteer of the Illinois Emergency Management Agency or an emergency services and disaster agency accredited by the Illinois Emergency Management Agency, and (2) if: (i) the claimant was participating in a disaster as defined in Section 4 of this Act, (ii) the exercise or training participated in was specifically and expressly approved by the Illinois Emergency Management Agency prior to the exercise or training, or (iii) the search-and-rescue team response was to an occurrence or threat of injury or loss of life that was beyond local response capabilities and was specifically and expressly approved by the Illinois Emergency Management Agency prior to the search-and-rescue team response. The computation of benefits payable under either of those Acts shall be based on the income commensurate with comparable State employees doing the same type work or income from the person's regular employment, whichever is greater.

Volunteers who are working under the direction of an emergency services and disaster agency accredited by the Illinois Emergency Management Agency, pursuant to a plan approved by the Illinois Emergency Management Agency (i) during a disaster declared by the Governor under Section 7 of this Act, or (ii) in circumstances otherwise expressly approved by the Illinois Emergency Management Agency, shall be deemed exclusively employees of the State for purposes of Section 8(d) of the Court of Claims Act, provided that the Illinois Emergency Management Agency may, in coordination with the emergency services and disaster agency, audit implementation for compliance with the plan.

(l) If any person who is entitled to receive benefits through the application of this Section receives, in connection with the disease, injury or death giving rise to such entitlement, benefits under an Act of Congress or federal program, benefits payable under this Section shall be reduced to the extent of the benefits received under that other Act or program.

(m) (1) Prior to conducting an exercise, the principal executive officer of a political subdivision or his or her designee shall provide area media with written notification of the exercise. The notification shall indicate that information relating to the exercise shall not be released to the public until the commencement of the exercise. The notification shall also contain a request that the notice be so posted to ensure that all relevant media personnel are advised of the exercise before it begins.

(2) During the conduct of an exercise, all messages, two-way radio communications, briefings, status reports, news releases, and other oral or written communications shall begin and end with the following statement: "This is an exercise message".

(Source: P.A. 92-16, eff. 6-28-01; 92-73, eff. 1-1-02.)

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

AMENDMENT NO. 2. Amend House Bill 4666 by replacing everything after the enacting clause with the following:

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

(20 ILCS 2105/2105-400)

Sec. 2105-400. Emergency Powers.

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

(1) The power to suspend the requirements for permanent or temporary licensure of persons who are licensed in another state and are working under the direction of the Illinois Emergency

Management Agency and the Department of Public Health pursuant to a declared disaster.

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

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

(b) Persons exempt from licensure under paragraph (1) of subsection (a) of this Section and persons operating under modified scope of practice provisions under paragraph (2) of subsection (a) of this Section shall be exempt from licensure or be subject to modified scope of practice only until the declared disaster has ended as provided by law. <u>For purposes of this Section, persons working under the direction of an emergency services and disaster agency accredited by the Illinois Emergency Management Agency and a local public health department, pursuant to a declared disaster, shall be deemed to be working under the direction of the Illinois Emergency Management Agency and the Department of Public Health.</u>

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

(Source: P.A. 93-829, eff. 7-28-04.)

Section 10. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-625 as follows:

(20 ILCS 2310/2310-625)

Sec. 2310-625. Emergency Powers.

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

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

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

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

(b) Persons exempt from licensure or certification under paragraph (1) of subsection (a) and persons operating under modified scope of practice provisions under paragraph (2) of subsection (a) and paragraph (3) of subsection (a) shall be exempt from licensure or certification or subject to modified scope of practice only until the declared disaster has ended as provided by law. <u>For purposes of this Section, persons working under the direction of an emergency services and disaster agency accredited by the Illinois Emergency Management Agency and a local public health department, pursuant to a declared disaster, shall be deemed to be working under the direction of the Illinois Emergency Management Agency and the Department of Public Health.</u>

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

(Source: P.A. 93-829, eff. 7-28-04.)

Section 15. The Illinois Emergency Management Agency Act is amended by changing Section 10 as follows:

(20 ILCS 3305/10) (from Ch. 127, par. 1060)

Sec. 10. Emergency Services and Disaster Agencies.

(a) Each political subdivision within this State shall be within the jurisdiction of and served by the Illinois Emergency Management Agency and by an emergency services and disaster agency responsible for emergency management programs. A township, if the township is in a county having a population of more than 2,000,000, must have approval of the county coordinator before establishment of a township

emergency services and disaster agency.

(b) Unless multiple county emergency services and disaster agency consolidation is authorized by the Illinois Emergency Management Agency with the consent of the respective counties, each county shall maintain an emergency services and disaster agency that has jurisdiction over and serves the entire county, except as otherwise provided under this Act and except that in any county with a population of over 3,000,000 containing a municipality with a population of over 500,000 the jurisdiction of the county agency shall not extend to the municipality when the municipality has established its own agency.

(c) Each municipality with a population of over 500,000 shall maintain an emergency services and disaster agency which has jurisdiction over and serves the entire municipality. A municipality with a population less than 500,000 may establish, by ordinance, an agency or department responsible for emergency management within the municipality's corporate limits.

(d) The Governor shall determine which municipal corporations, other than those specified in paragraph (c) of this Section, need emergency services and disaster agencies of their own and require that they be established and maintained. The Governor shall make these determinations on the basis of the municipality's disaster vulnerability and capability of response related to population size and concentration. The emergency services and disaster agency of a county or township, shall not have a jurisdiction within a political subdivision having its own emergency services and disaster agency, but shall cooperate with the emergency services and disaster agency of a city, village or incorporated town within their borders. The Illinois Emergency Management Agency shall publish and furnish a current list to the municipalities required to have an emergency services and disaster agency under this subsection.

(e) Each municipality that is not required to and does not have an emergency services and disaster agency shall have a liaison officer designated to facilitate the cooperation and protection of that municipal corporation with the county emergency services and disaster agency in which it is located in the work of disaster mitigation, preparedness, response, and recovery.

(f) The principal executive officer or his or her designee of each political subdivision in the State shall annually notify the Illinois Emergency Management Agency of the manner in which the political subdivision is providing or securing emergency management, identify the executive head of the agency or the department from which the service is obtained, or the liaison officer in accordance with paragraph (d) of this Section and furnish additional information relating thereto as the Illinois Emergency Management Agency requires.

(g) Each emergency services and disaster agency shall prepare an emergency operations plan for its geographic boundaries that complies with planning, review, and approval standards promulgated by the Illinois Emergency Management Agency. The Illinois Emergency Management Agency shall determine which jurisdictions will be required to include earthquake preparedness in their local emergency operations plans.

(h) The emergency services and disaster agency shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local departments and officials and of the disaster chain of command.

(i) Each emergency services and disaster agency shall have a Coordinator who shall be appointed by the principal executive officer of the political subdivision in the same manner as are the heads of regular governmental departments. If the political subdivision is a county and the principal executive officer appoints the sheriff as the Coordinator, the sheriff may, in addition to his or her regular compensation, receive compensation at the same level as provided in Section 3 of "An Act in relation to the regulation of motor vehicle traffic and the promotion of safety on public highways in counties", approved August 9, 1951, as amended. The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the emergency services and disaster agency, subject to the direction and control of that principal executive officer. Each emergency services and disaster agency shall coordinate and may perform emergency management functions within the territorial limits of the political subdivision within which it is organized as are prescribed in and by the State Emergency Operations Plan, and programs, orders, rules and regulations as may be promulgated by the Illinois Emergency Management Agency and by local ordinance and, in addition, shall conduct such functions outside of those territorial limits as may be required under mutual aid agreements and compacts as are entered into under subparagraph (5) of paragraph (c) of Section 6.

(j) In carrying out the provisions of this Act, each political subdivision may enter into contracts and incur obligations necessary to place it in a position effectively to combat the disasters as are described in Section 4, to protect the health and safety of persons, to protect property, and to provide emergency assistance to victims of those disasters. If a disaster occurs, each political subdivision may exercise the powers vested

under this Section in the light of the exigencies of the disaster and, excepting mandatory constitutional requirements, without regard to the procedures and formalities normally prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation, expenditure, and disposition of public funds and property.

(k) Volunteers who, while engaged in a disaster, an exercise, training related to the emergency operations plan of the political subdivision, or a search-and-rescue team response to an occurrence or threat of injury or loss of life that is beyond local response capabilities, suffer disease, injury or death, shall, for the purposes of benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act only, be deemed to be employees of the State, if: (1) the claimant is a duly qualified and enrolled (sworn in) as a volunteer of the Illinois Emergency Management Agency or an emergency services and disaster agency accredited by the Illinois Emergency Management Agency, and (2) if: (i) the claimant was participating in a disaster as defined in Section 4 of this Act, (ii) the exercise or training participated in was specifically and expressly approved by the Illinois Emergency Management Agency prior to the exercise or training, or (iii) the search-and-rescue team response was to an occurrence or threat of injury or loss of life that was beyond local response capabilities and was specifically and expressly approved by the Illinois Emergency Management Agency prior to the search-and-rescue team response. The computation of benefits payable under either of those Acts shall be based on the income commensurate with comparable State employees doing the same type work or income from the person's regular employment, whichever is greater.

Volunteers who are working under the direction of an emergency services and disaster agency accredited by the Illinois Emergency Management Agency, pursuant to a plan approved by the Illinois Emergency Management Agency (i) during a disaster declared by the Governor under Section 7 of this Act, or (ii) in circumstances otherwise expressly approved by the Illinois Emergency Management Agency, shall be deemed exclusively employees of the State for purposes of Section 8(d) of the Court of Claims Act, provided that the Illinois Emergency Management Agency may, in coordination with the emergency services and disaster agency, audit implementation for compliance with the plan.

(l) If any person who is entitled to receive benefits through the application of this Section receives, in connection with the disease, injury or death giving rise to such entitlement, benefits under an Act of Congress or federal program, benefits payable under this Section shall be reduced to the extent of the benefits received under that other Act or program.

(m) (1) Prior to conducting an exercise, the principal executive officer of a political subdivision or his or her designee shall provide area media with written notification of the exercise. The notification shall indicate that information relating to the exercise shall not be released to the public until the commencement of the exercise. The notification shall also contain a request that the notice be so posted to ensure that all relevant media personnel are advised of the exercise before it begins.

(2) During the conduct of an exercise, all messages, two-way radio communications, briefings, status reports, news releases, and other oral or written communications shall begin and end with the following statement: "This is an exercise message".

(Source: P.A. 92-16, eff. 6-28-01; 92-73, eff. 1-1-02.)

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

The foregoing motion prevailed and Amendments numbered 1and 2 were adopted.

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

HOUSE BILL 4726. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Jones offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 4726 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Accounting Act is amended by changing Sections 0.03, 6.1, 9.01, 14.3, 16, 20.01, 20.1, and 27 and by adding Section 9.3 as follows:

(225 ILCS 450/0.03) (from Ch. 111, par. 5500.03)

(Section scheduled to be repealed on January 1, 2014)

Sec. 0.03. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Registered Certified Public Accountant" means any person who has been issued a registration under this Act as a Registered Certified Public Accountant.

(b) "Licensed Certified Public Accountant" means any person licensed under this Act as a Licensed Certified Public Accountant.

(c) "Committee" means the Public Accountant Registration Committee appointed by the Director.

(d) "Department" means the Department of Professional Regulation.

(e) "Director" means the Director of Professional Regulation.

(f) "License", "licensee" and "licensure" refers to the authorization to practice under the provisions of this Act.

(g) "Peer review program" means a study, appraisal, or review of one or more aspects of the professional work of a ~~person or~~ firm or sole practitioner in the practice of public accounting to determine the degree of compliance by the firm or sole practitioner with professional standards and practices, conducted by persons who hold current licenses to practice public accounting under the laws of this or another state and who are not affiliated with the firm or sole practitioner being reviewed ~~certified or licensed under this Act, including quality review, peer review, practice monitoring, quality assurance, and similar programs undertaken voluntarily or as a prerequisite to the providing of professional services under government requirements, or any similar internal review or inspection that is required by professional standards~~.

(h) "Review committee" means any person or persons conducting, reviewing, administering, or supervising a peer review program.

(i) "University" means the University of Illinois.

(j) "Board" means the Board of Examiners established under Section 2.

(k) "Registration", "registrant", and "registered" refer to the authorization to hold oneself out as or use the title "Registered Certified Public Accountant" or "Certified Public Accountant", unless the context otherwise requires.

(l) "Peer Review Administrator" means an organization designated by the Department that meets the requirements of subsection (f) of Section 16 of this Act and other rules that the Department may adopt.

(Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04.)

(225 ILCS 450/6.1)

(Section scheduled to be repealed on January 1, 2014)

Sec. 6.1. Examinations.

(a) The examination shall test the applicant's knowledge of accounting, auditing, and other related subjects, if any, as the Board may deem advisable. A candidate shall be required to pass all sections of the examination in order to qualify for a certificate. A candidate may take the required test sections individually and in any order, as long as the examination is taken within a timeframe established by Board rule.

(b) On and after January 1, 2005, applicants shall also be required to pass an examination on the rules of professional conduct, as determined by Board rule to be appropriate, before they may be awarded a certificate as a Certified Public Accountant.

(c) Pursuant to compliance with the Americans with Disabilities Act, the Board may provide alternative test administration arrangements that are reasonable in the context of the Certified Public Accountant examination for applicants who are unable to take the examination under standard conditions upon an applicant's submission of evidence as the Board may require, which may include a signed statement from a medical or other licensed medical professional, identifying the applicant's disabilities and the specific alternative accommodations the applicant may need. Any alteration in test administration arrangements does not waive the requirement of sitting for and passing the examination. ~~The Board may in certain cases waive or defer any of the requirements of this Section regarding the circumstances in which the various Sections of the examination must be passed upon a showing that, by reasons of circumstances beyond the applicant's control, the applicant was unable to meet the requirement.~~

(d) Any application, document, or other information filed by or concerning an applicant and any examination grades of an applicant shall be deemed confidential and shall not be disclosed to anyone without the prior written permission of the applicant, except that the names and addresses only of all applicants shall be a public record and be released as public information. Nothing in this subsection shall prevent the Board from making public announcement of the names of persons receiving certificates under this Act.

(Source: P.A. 93-683, eff. 7-2-04.)

(225 ILCS 450/9.01)

(Section scheduled to be repealed on January 1, 2014)

Sec. 9.01. Unlicensed practice; violation; civil penalty.

(a) Any person or firm that ~~who~~ practices, offers to practice, attempts to practice, or holds oneself out to practice as a licensed certified public accountant without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04.)

(225 ILCS 450/9.3 new)

(Section scheduled to be repealed on January 1, 2014)

Sec. 9.3. Sharing of information. Notwithstanding any other provision of this Act, for the purpose of carrying out their respective duties and responsibilities under this Act and to effectuate the purpose of this Act, both the Board of Examiners and the Department of Financial and Professional Regulation are authorized and directed to share information with each other regarding those individuals and entities licensed or certified or applying for licensure or certification under this Act.

(225 ILCS 450/14.3)

(Section scheduled to be repealed on January 1, 2014)

Sec. 14.3. Additional requirements for firms. In addition to the ownership requirements set forth in subsection (b) of Section 14, all firms licensed under this Act shall meet the following requirements:

(a) All owners of the firm, whether licensed or not, shall be active participants in the firm or its affiliated entities.

(b) An individual who supervises services for which a license is required under Section 8 of this Act or who signs or authorizes another to sign any report for which a license is required under Section 8 of this Act shall hold a valid, active ~~unrevoked~~ Licensed Certified Public Accountant license from this State or another state and shall comply with such additional experience requirements as may be required by rule of the Board.

(c) The firm shall require that all owners of the firm, whether or not certified or licensed under this Act, comply with rules promulgated under this Act.

(d) The firm shall designate to the Department in writing an individual licensed under this Act who shall be responsible for the proper registration of the firm.

(e) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04.)

(225 ILCS 450/16) (from Ch. 111, par. 5517)

(Section scheduled to be repealed on January 1, 2014)

Sec. 16. Expiration and renewal of licenses; renewal of registration; continuing education.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule.

(b) Every holder of a license or registration under this Act may renew such license or registration before the expiration date upon payment of the required renewal fee as set by rule.

(c) Every application for renewal of a license by a licensed certified public accountant who has been licensed under this Act for 3 years or more shall be accompanied or supported by any evidence the Department shall prescribe, in satisfaction of completing, each 3 years, not less than 120 hours of continuing professional education programs in subjects given by continuing education sponsors registered by the Department upon recommendation of the Committee. Of the 120 hours, not less than 4 hours shall be courses covering the subject of professional ethics. All continuing education sponsors applying to the Department for registration shall be required to submit an initial nonrefundable application fee set by Department rule. Each registered continuing education sponsor shall be required to pay an annual renewal fee set by Department rule. Publicly supported colleges, universities, and governmental agencies located in Illinois are exempt from payment of any fees required for continuing education sponsor registration. Failure by a continuing education sponsor to be licensed or pay the fees prescribed in this Act, or to comply with

the rules and regulations established by the Department under this Section regarding requirements for continuing education courses or sponsors, shall constitute grounds for revocation or denial of renewal of the sponsor's registration.

(d) Licensed Certified Public Accountants are exempt from the continuing professional education requirement for the first renewal period following the original issuance of the license.

Notwithstanding the provisions of ~~this~~ subsection (c), the Department may accept courses and sponsors approved by other states, by the American Institute of Certified Public Accountants, by other state CPA societies, or by national accrediting organizations such as the National Association of State Boards of Accountancy.

Failure by an applicant for renewal of a license as a licensed certified public accountant to furnish the evidence shall constitute grounds for disciplinary action, unless the Department in its discretion shall determine the failure to have been due to reasonable cause. The Department, in its discretion, may renew a license despite failure to furnish evidence of satisfaction of requirements of continuing education upon condition that the applicant follow a particular program or schedule of continuing education. In issuing rules and individual orders in respect of requirements of continuing education, the Department in its discretion may, among other things, use and rely upon guidelines and pronouncements of recognized educational and professional associations; may prescribe rules for the content, duration, and organization of courses; shall take into account the accessibility to applicants of such continuing education as it may require, and any impediments to interstate practice of public accounting that may result from differences in requirements in other states; and may provide for relaxation or suspension of requirements in regard to applicants who certify that they do not intend to engage in the practice of public accounting, and for instances of individual hardship.

The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by licensees; by requiring the filing of continuing education certificates with the Department; or by other means established by the Department.

The Department may establish, by rule, guidelines for acceptance of continuing education on behalf of licensed certified public accountants taking continuing education courses in other jurisdictions.

(e) For renewals on and after July 1, 2012, as a condition for granting a renewal license to firms and sole practitioners who provide services requiring a license under this Act, the Department shall require that the firm or sole practitioner satisfactorily complete a peer review during the immediately preceding 3-year period, accepted by a Peer Review Administrator in accordance with established standards for performing and reporting on peer reviews, unless the firm or sole practitioner is exempted under the provisions of subsection (i) of this Section. A firm or sole practitioner shall, at the request of the Department, submit to the Department a letter from the Peer Review Administrator stating the date on which the peer review was satisfactorily completed.

A new firm or sole practitioner not subject to subsection (l) of this Section shall undergo its first peer review during the first full renewal cycle after it is granted its initial license.

The requirements of this subsection (e) shall not apply to any person providing services requiring a license under this Act to the extent that such services are provided in the capacity of an employee of the Office of the Auditor General or to a nonprofit cooperative association engaged in the rendering of licensed service to its members only under paragraph (3) of subsection (b) of Section 14 of this Act or any of its employees to the extent that such services are provided in the capacity of an employee of the association.

(f) The Department shall approve only Peer Review Administrators that the Department finds comply with established standards for performing and reporting on peer reviews. The Department may adopt rules establishing guidelines for peer reviews, which shall do all of the following:

(1) Require that a peer review be conducted by a reviewer that is independent of the firm reviewed and approved by the Peer Review Administrator under established standards.

(2) Other than in the peer review process, prohibit the use or public disclosure of information obtained by the reviewer, the Peer Review Administrator, or the Department during or in connection with the peer review process. The requirement that information not be publicly disclosed shall not apply to a hearing before the Department that the firm or sole practitioner requests be public or to the information described in paragraph (3) of subsection (i) of this Section.

(g) If a firm or sole practitioner fails to satisfactorily complete a peer review as required by subsection (e) of this Section or does not comply with any remedial actions determined necessary by the Peer Review Administrator, the Peer Review Administrator shall notify the Department of the failure and shall submit a record with specific references to the rule, statutory provision, professional standards, or other applicable

authority upon which the Peer Review Administrator made its determination and the specific actions taken or failed to be taken by the licensee that in the opinion of the Peer Review Administrator constitutes a failure to comply. The Department may at its discretion or shall upon submission of a written application by the firm or sole practitioner hold a hearing under Section 20.1 of this Act to determine whether the firm or sole practitioner has complied with subsection (e) of this Section. The hearing shall be confidential and shall not be open to the public unless requested by the firm or sole practitioner.

(h) The firm or sole practitioner reviewed shall pay for any peer review performed. The Peer Review Administrator may charge a fee to each firm and sole practitioner sufficient to cover costs of administering the peer review program.

(i) A firm or sole practitioner shall be exempt from the requirement to undergo a peer review if:

(1) Within 3 years before the date of application for renewal licensure, the sole practitioner or firm has undergone a peer review conducted in another state or foreign jurisdiction that meets the requirements of paragraphs (1) and (2) of subsection (f) of this Section. The sole practitioner or firm shall submit to the Department a letter from the organization administering the most recent peer review stating the date on which the peer review was completed; or

(2) The sole practitioner or firm satisfies all of the following conditions:

(A) during the preceding 2 years, the firm or sole practitioner has not accepted or performed any services requiring a license under this Act;

(B) the firm or sole practitioner agrees to notify the Department within 30 days of accepting an engagement for services requiring a license under this Act and to undergo a peer review within 18 months after the end of the period covered by the engagement; or

(3) For reasons of personal health, military service, or other good cause, the Department determines that the sole practitioner or firm is entitled to an exemption, which may be granted for a period of time not to exceed 12 months.

(j) If a peer review report indicates that a firm or sole practitioner complies with the appropriate professional standards and practices set forth in the rules of the Department and no further remedial action is required, the Peer Review Administrator shall destroy all working papers and documents, other than report-related documents, related to the peer review within 90 days after issuance of the letter of acceptance by the Peer Review Administrator. If a peer review letter of acceptance indicates that corrective action is required, the Peer Review Administrator may retain documents and reports related to the peer review until completion of the next peer review or other agreed-to corrective actions.

(k) In the event the practices of 2 or more firms or sole practitioners are merged or otherwise combined, the surviving firm shall retain the peer review year of the largest firm, as determined by the number of accounting and auditing hours of each of the practices. In the event that the practice of a firm is divided or a portion of its practice is sold or otherwise transferred, any firm or sole practitioner acquiring some or all of the practice that does not already have its own review year shall retain the review year of the former firm. In the event that the first peer review of a firm that would otherwise be required by this subsection (k) would be less than 12 months after its previous review, a review year shall be assigned by Peer Review Administrator so that the firm's next peer review occurs after not less than 12 months of operation, but not later than 18 months of operation.

(Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04; revised 10-11-05.)

(225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

(Section scheduled to be repealed on January 1, 2014)

Sec. 20.01. Grounds for discipline; license or registration.

(a) The Department may refuse to issue or renew, or may revoke, suspend, or reprimand any registration or registrant, any license or licensee, place a licensee or registrant on probation for a period of time subject to any conditions the Department may specify including requiring the licensee or registrant to attend continuing education courses or to work under the supervision of another licensee or registrant, impose a fine not to exceed $5,000 for each violation, restrict the authorized scope of practice, or require a licensee or registrant to undergo a peer review program, for any one or more of the following:

(1) Violation of any provision of this Act.

(2) Attempting to procure a license or registration to practice under this Act by bribery or fraudulent misrepresentations.

(3) Having a license to practice public accounting or registration revoked, suspended, or otherwise acted against, including the denial of licensure or registration, by the licensing or registering authority of another state, territory, or country, including but not limited to the District of Columbia, or any United States territory. No disciplinary action shall be taken in Illinois if the action taken in another

jurisdiction was based upon failure to meet the continuing professional education requirements of that jurisdiction and the applicable Illinois continuing professional education requirements are met.

(4) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of public accounting or the ability to practice public accounting or as a Registered Certified Public Accountant.

(5) Making or filing a report or record which the registrant or licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing, or inducing another person to impede or obstruct the filing. The reports or records shall include only those that are signed in the capacity of a licensed certified public accountant or a registered certified public accountant.

(6) Conviction in this or another State or the District of Columbia, or any United States Territory, of any crime that is punishable by one year or more in prison or conviction of a crime in a federal court that is punishable by one year or more in prison.

(7) Proof that the licensee or registrant is guilty of fraud or deceit, or of gross negligence, incompetency, or misconduct, in the practice of public accounting.

(8) Violation of any rule adopted under this Act.

(9) Practicing on a revoked, suspended, or inactive license or registration.

(10) Suspension or revocation of the right to practice before any state or federal agency.

(11) Conviction of any crime under the laws of the United States or any state or territory of the United States that is a felony or misdemeanor and has dishonesty as an essential element, or of any crime that is directly related to the practice of the profession.

(12) Making any misrepresentation for the purpose of obtaining a license, or registration or material misstatement in furnishing information to the Department.

(13) Aiding or assisting another person in violating any provision of this Act or rules promulgated hereunder.

(14) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public ~~and violating the rules of professional conduct adopted by the Department~~.

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

(16) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered.

(17) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills that results in the inability to practice the profession with reasonable judgment, skill or safety.

(18) Solicitation of professional services by using false or misleading advertising.

(19) Failure to file a return, or pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

(20) Practicing or attempting to practice under a name other than the full name as shown on the license or registration or any other legally authorized name.

(21) A finding by the Department that a licensee or registrant has not complied with a provision of any lawful order issued by the Department.

(22) Making a false statement to the Department regarding compliance with continuing professional education <u>or peer review</u> requirements.

(23) Failing to make a substantive response to a request for information by the Department within 30 days of the request.

(b) (Blank).

(c) In rendering an order, the Department shall take into consideration the facts and circumstances involving the type of acts or omissions in subsection (a) including, but not limited to:

(1) the extent to which public confidence in the public accounting profession was, might have been, or may be injured;

(2) the degree of trust and dependence among the involved parties;

(3) the character and degree of financial or economic harm which did or might have resulted; and

(4) the intent or mental state of the person charged at the time of the acts or omissions.

(d) The Department shall reissue the license or registration upon a showing that the disciplined licensee or registrant has complied with all of the terms and conditions set forth in the final order.

(e) The Department shall deny any application for a license, registration, or renewal, without hearing, to any person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue a license, registration, or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(f) The determination by a court that a licensee or registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in the automatic suspension of his or her license or registration. The licensee or registrant shall be responsible for notifying the Department of the determination by the court that the licensee or registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code. The licensee or registrant shall also notify the Department upon discharge so that a determination may be made under item (17) of subsection (a) whether the licensee or registrant may resume practice.

(Source: P.A. 92-457, eff. 7-1-04; 93-629, eff. 12-23-03; 93-683, eff. 7-2-04.)

(225 ILCS 450/20.1) (from Ch. 111, par. 5522)

(Section scheduled to be repealed on January 1, 2014)

Sec. 20.1. Investigations; notice; hearing. The Department may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proved, would constitute grounds for disciplinary action as set forth in Section 20.01, investigate the actions of any person or entity. The Department may refer complaints and investigations to a disciplinary body of the accounting profession for technical assistance. The results of an investigation and recommendations of the disciplinary body may be considered by the Department, but shall not be considered determinative and the Department shall not in any way be obligated to take any action or be bound by the results of the accounting profession's disciplinary proceedings. The Department, before taking disciplinary action, shall afford the concerned party or parties an opportunity to request a hearing and if so requested shall set a time and place for a hearing of the complaint. With respect to determinations by a Peer Review Administrator duly appointed by the Department under subsection (f) of Section 16 of this Act that a licensee has failed to satisfactorily complete a peer review as required under subsection (e) of Section 16, the Department may consider the Peer Review Administrator's findings of fact as prima facie evidence, and upon request by a licensee for a hearing the Department shall review the record presented and hear arguments by the licensee or the licensee's counsel but need not conduct a trial or hearing de novo or accept additional evidence. The Department shall notify the applicant or the licensed or registered person or entity of any charges made and the date and place of the hearing of those charges by mailing notice thereof to that person or entity by registered or certified mail to the place last specified by the accused person or entity in the last notification to the Department, at least 30 days prior to the date set for the hearing or by serving a written notice by delivery of the notice to the accused person or entity at least 15 days prior to the date set for the hearing, and shall direct the applicant or licensee or registrant to file a written answer to the Department under oath within 20 days after the service of the notice and inform the applicant or licensee or registrant that failure to file an answer will result in default being taken against the applicant or licensee or registrant and that the license or registration may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Director may deem proper. In case the person fails to file an answer after receiving notice, his or her license or registration may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The Department shall afford the accused person or entity an opportunity to be heard in person or by counsel at the hearing. At the conclusion of the hearing the Committee shall present to the Director a written report setting forth its finding of facts, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. If the Director disagrees in any regard with the report, he or she may issue an order in contravention of the report. The Director shall provide a

written explanation to the Committee of any such deviations and shall specify with particularity the reasons for the deviations.

The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04.)

(225 ILCS 450/27) (from Ch. 111, par. 5533)

(Section scheduled to be repealed on January 1, 2014)

Sec. 27. A licensed or registered certified public accountant shall not be required by any court to divulge information or evidence which has been obtained by him in his confidential capacity as a licensed or registered certified public accountant. This Section shall not apply to any investigation or hearing undertaken pursuant to this Act.

(Source: P.A. 92-457, eff. 7-1-04.)

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

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

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

HOUSE BILL 4735. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

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

AMENDMENT NO. 1. Amend House Bill 4735 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 18-245 as follows:

(35 ILCS 200/18-245)

Sec. 18-245. Rules. The ~~The~~ Department shall make and promulgate reasonable rules relating to the administration of the purposes and provisions of Sections 18-185 through 18-240 as may be necessary or appropriate.

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

Representative Tryon offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4735, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 18-135 and 18-185 as follows:

(35 ILCS 200/18-135)

Sec. 18-135. Taxing district in 2 or more counties.

(a) Notwithstanding any other provisions to the contrary, in counties which have an overlapping taxing district or districts that extend into one or more other counties, the county clerk, upon receipt of the assessments from the Board of Review or Board of Appeals, and of the equalization factor from the Department, may use estimated valuations or estimated rates, as provided in subsection (b) of this Section, for the overlapping taxing district or districts if the county clerk in any other county into which the overlapping taxing district or districts extend cannot certify the actual valuations or rates for the district or districts.

(b) If the county clerk of a county which has an overlapping taxing district which extends into another county has not received the certified valuations or rates from the county clerk of any county into which such districts overlap, he or she may subsequent to March 15, make written demand for actual or estimated valuations or rates upon the county clerk of that county. Within 10 days of receiving a written demand, the county clerk receiving the demand shall furnish certified or estimated valuations or rates for the overlapping taxing district, as pertaining to his or her county, to the county clerk who made the request. If no valuations or rates are received, the requesting county may make the estimate.

(c) If the use of estimated valuations or rates results in over or under extension for the overlapping taxing district in the county using estimated valuations or rates, the county clerk shall make appropriate

adjustments in the subsequent year. Any adjustments necessitated by the estimation procedure authorized by this Section shall be made by increasing or decreasing the tax extension by fund for each taxing district where the estimation procedures were used.

(d) For taxing districts subject to the Property Tax Extension Limitation Law, the adjustment for paragraph (c) shall be made after the limiting rate has been calculated using the aggregate extension base, as defined in Section 18-185, adjusted for the over or under extension due to the use of an estimated valuation by the county on the last preceding aggregate extension.

(Source: P.A. 90-291, eff. 1-1-98.)

(35 ILCS 200/18-185)

Sec. 18-185. Short title; definitions. This Division 5 may be cited as the Property Tax Extension Limitation Law. As used in this Division 5:

"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.

"Extension limitation" means (a) the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate of increase approved by voters under Section 18-205.

"Affected county" means a county of 3,000,000 or more inhabitants or a county contiguous to a county of 3,000,000 or more inhabitants.

"Taxing district" has the same meaning provided in Section 1-150, except as otherwise provided in this Section. For the 1991 through 1994 levy years only, "taxing district" includes only each non-home rule taxing district having the majority of its 1990 equalized assessed value within any county or counties contiguous to a county with 3,000,000 or more inhabitants. Beginning with the 1995 levy year, "taxing district" includes only each non-home rule taxing district subject to this Law before the 1995 levy year and each non-home rule taxing district not subject to this Law before the 1995 levy year having the majority of its 1994 equalized assessed value in an affected county or counties. Beginning with the levy year in which this Law becomes applicable to a taxing district as provided in Section 18-213, "taxing district" also includes those taxing districts made subject to this Law as provided in Section 18-213.

"Aggregate extension" for taxing districts to which this Law applied before the 1995 levy year means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before October 1, 1991; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before October 1, 1991; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after October 1, 1991 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before October 1, 1991 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before October 1, 1991, to pay for the building project; (g) made for payments due under installment contracts entered into before October 1, 1991; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), (e), and (h) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made by a school district that participates in the Special Education District of Lake County, created by special education joint agreement under Section 10-22.31 of the School Code, for payment of the school district's share of the amounts required to be contributed by the Special Education District of Lake County to the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code; the amount of any extension under this item (k) shall be certified by the school district to the county clerk; (l) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (m) made for temporary relocation loan repayment purposes pursuant to Sections 2-3.77 and 17-2.2d of the School Code; ~~, and~~ (n) made for payment of principal and interest on any bonds issued under the authority of Section

17-2.2d of the School Code; and (o) ~~(m)~~ made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Aggregate extension" for the taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213) means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 1, 1995; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 1, 1995; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 1, 1995 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 1, 1995 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 1, 1995 to pay for the building project; (g) made for payments due under installment contracts entered into before March 1, 1995; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (h-4) made for stormwater management purposes by the Metropolitan Water Reclamation District of Greater Chicago under Section 12 of the Metropolitan Water Reclamation District Act; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum and bonds described in subsection (h) of this definition; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (k) made for payments of principal and interest on bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium or museum projects; (l) made for payments of principal and interest on bonds authorized by Public Act 87-1191 or 93-601 and (i) issued pursuant to Section 21.2 of the Cook County Forest Preserve District Act, (ii) issued under Section 42 of the Cook County Forest Preserve District Act for zoological park projects, or (iii) issued under Section 44.1 of the Cook County Forest Preserve District Act for botanical gardens projects; (m) made pursuant to Section 34-53.5 of the School Code, whether levied annually or not; (n) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (o) made by the Chicago Park District for recreational programs for the handicapped under subsection (c) of Section 7.06 of the Chicago Park District Act; and (p) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the taxing district is held for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the

retirement of bonds issued by the commission before the date on which the referendum making this Law applicable to the taxing district is held to pay for the building project; (g) made for payments due under installment contracts entered into before the date on which the referendum making this Law applicable to the taxing district is held; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with paragraph (2) of subsection (e) of Section 18-213 means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the effective date of this amendatory Act of 1997; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the effective date of this amendatory Act of 1997; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the effective date of this amendatory Act of 1997 if the bonds were approved by referendum after the effective date of this amendatory Act of 1997; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the effective date of this amendatory Act of 1997 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the effective date of this amendatory Act of 1997 to pay for the building project; (g) made for payments due under installment contracts entered into before the effective date of this amendatory Act of 1997; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for the handicapped under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Debt service extension base" means an amount equal to that portion of the extension for a taxing district for the 1994 levy year, or for those taxing districts subject to this Law in accordance with Section 18-213, except for those subject to paragraph (2) of subsection (e) of Section 18-213, for the levy year in which the referendum making this Law applicable to the taxing district is held, or for those taxing districts subject to this Law in accordance with paragraph (2) of subsection (e) of Section 18-213 for the 1996 levy year, constituting an extension for payment of principal and interest on bonds issued by the taxing district without referendum, but not including excluded non-referendum bonds. For park districts (i) that were first subject to this Law in 1991 or 1995 and (ii) whose extension for the 1994 levy year for the payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds) was less than 51% of the amount for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not

including excluded non-referendum bonds), "debt service extension base" means an amount equal to that portion of the extension for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds). The debt service extension base may be established or increased as provided under Section 18-212. "Excluded non-referendum bonds" means (i) bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium and museum projects; (ii) bonds issued under Section 15 of the Local Government Debt Reform Act; or (iii) refunding obligations issued to refund or to continue to refund obligations initially issued pursuant to referendum.

"Special purpose extensions" include, but are not limited to, extensions for levies made on an annual basis for unemployment and workers' compensation, self-insurance, contributions to pension plans, and extensions made pursuant to Section 6-601 of the Illinois Highway Code for a road district's permanent road fund whether levied annually or not. The extension for a special service area is not included in the aggregate extension.

"Aggregate extension base" means the taxing district's last preceding aggregate extension as adjusted under Sections 18-135, 18-215, and ~~through~~ 18-230. An adjustment under Section 18-135 shall be made for the 2005 levy year and all subsequent levy years whenever one or more counties within which a taxing district is located (i) used estimated valuations or rates when extending taxes in the taxing district for the last preceding levy year that resulted in the over or under extension of taxes, or (ii) increased or decreased the tax extension for the last preceding levy year as required by Section 18-135(c). Whenever an adjustment is required under Section 18-135, the aggregate extension base of the taxing district shall be equal to the amount that the aggregate extension of the taxing district would have been for the last preceding levy year if either or both (i) actual, rather than estimated, valuations or rates had been used to calculate the extension of taxes for the last levy year, or (ii) the tax extension for the last preceding levy year had not been adjusted as required by subsection (c) of Section 18-135.

"Levy year" has the same meaning as "year" under Section 1-155.

"New property" means (i) the assessed value, after final board of review or board of appeals action, of new improvements or additions to existing improvements on any parcel of real property that increase the assessed value of that real property during the levy year multiplied by the equalization factor issued by the Department under Section 17-30, (ii) the assessed value, after final board of review or board of appeals action, of real property not exempt from real estate taxation, which real property was exempt from real estate taxation for any portion of the immediately preceding levy year, multiplied by the equalization factor issued by the Department under Section 17-30, and (iii) in counties that classify in accordance with Section 4 of Article IX of the Illinois Constitution, an incentive property's additional assessed value resulting from a scheduled increase in the level of assessment as applied to the first year final board of review market value. In addition, the county clerk in a county containing a population of 3,000,000 or more shall include in the 1997 recovered tax increment value for any school district, any recovered tax increment value that was applicable to the 1995 tax year calculations.

"Qualified airport authority" means an airport authority organized under the Airport Authorities Act and located in a county bordering on the State of Wisconsin and having a population in excess of 200,000 and not greater than 500,000.

"Recovered tax increment value" means, except as otherwise provided in this paragraph, the amount of the current year's equalized assessed value, in the first year after a municipality terminates the designation of an area as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, by an amount equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. In the first year after a municipality removes a taxable lot,

block, tract, or parcel of real property from a redevelopment project area established under the Tax Increment Allocation Development Act in the Illinois Municipal Code, the Industrial Jobs Recovery Law in the Illinois Municipal Code, or the Economic Development Area Tax Increment Allocation Act, "recovered tax increment value" means the amount of the current year's equalized assessed value of each taxable lot, block, tract, or parcel of real property removed from the redevelopment project area over and above the initial equalized assessed value of that real property before removal from the redevelopment project area.

Except as otherwise provided in this Section, "limiting rate" means a fraction the numerator of which is the last preceding aggregate extension base times an amount equal to one plus the extension limitation defined in this Section and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. For those taxing districts that reduced their aggregate extension for the last preceding levy year, the highest aggregate extension in any of the last 3 preceding levy years shall be used for the purpose of computing the limiting rate. The denominator shall not include new property. The denominator shall not include the recovered tax increment value.

(Source: P.A. 92-547, eff. 6-13-02; 93-601, eff. 1-1-04; 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; 93-689, eff. 7-1-04; 93-690, eff. 7-1-04; 93-1049, eff. 11-17-04; revised 12-14-04.)".

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

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

HOUSE BILL 4758. Having been read by title a second time on February 22, 2006, and held on the order of Second Reading, the same was again taken up.

Representative William Davis offered the following amendment and moved its adoption.

AMENDMENT NO. 4. Amend House Bill 4758, AS AMENDED, with reference to page and line numbers of House Amendment No. 3, on page 3, by replacing lines 11 through 15, with the following:

""Abandonment" means that the tenants no longer occupy the dwelling unit and (1) the tenants have provided the landlord with actual notice indicating their intention not to return to the dwelling unit; (2) the tenants have been absent from the dwelling unit for a period of 21 consecutive days, have removed all personal property from the dwelling unit, and have failed to pay rent for that period; or (3) the tenants have been absent from the dwelling unit for 32 consecutive days and have failed to pay rent for that period.".

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

There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed; and the bill, as amended, was held on the order of Second Reading.

HOUSE BILL 4805. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

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

Representative Sullivan offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 4805 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 3-35 and by adding Section 2-85 as follows:

(35 ILCS 200/2-85 new)

Sec. 2-85. Prohibited activities. A township or multi-township assessor or any deputy or employee of the assessor may not have a direct interest in any business concern that provides assistance to any taxpayer to challenge the assessment or valuation of any real property that is located in the county in which the

assessor serves in his or her office.

Any person who violates the provisions of this Section is guilty of a business offense and is subject to a fine of not less than $1,001 and not more than $2,000. If a person is convicted of an offense for a violation of the provisions of this Section, then the court must enter an order removing that person from office as a township or multi-township assessor or as a deputy or employee of the assessor.

(35 ILCS 200/3-35)

Sec. 3-35. Outside employment; prohibited activities.

(a) Except as provided below, any person appointed under Section 3-5 shall hold no other lucrative public office or public employment. In counties with less than 100,000 inhabitants, he or she may hold public employment if the duties are not incompatible with his or her duties as supervisor of assessments as assigned by the county board. The duties of a person administering a county zoning ordinance shall not be considered incompatible with the duties of a supervisor of assessments.

(b) A supervisor of assessments or any deputy or employee of the supervisor of assessments may not have a direct interest in any business concern that provides assistance to any taxpayer to challenge the assessment or valuation of any real property that is located in the county in which the supervisor of assessments serves in his or her office.

Any person who violates the provisions of this subsection (b) is guilty of a business offense and is subject to a fine of not less than $1,001 and not more than $2,000. If a person is convicted of an offense for a violation of the provisions of this subsection (b), then the court must enter an order removing that person from office as a supervisor of assessments or as a deputy or employee of the supervisor of assessments.

(Source: P.A. 86-482; 86-1475; 88-455.)".

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

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

HOUSE BILL 4819. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

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

Representative Sullivan offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 4819 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Section 509 as follows:

(35 ILCS 5/509) (from Ch. 120, par. 5-509)

Sec. 509. Tax checkoff explanations.

(a) All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the following funds: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund (as required by the Illinois Non-Game Wildlife Protection Act), the Alzheimer's Disease Research Fund (as required by the Alzheimer's Disease Research Act), the Assistance to the Homeless Fund (as required by this Act), the Penny Severns Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Sarcoidosis Research Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Military Family Relief Fund, the Blindness Prevention Fund, the Illinois Veterans' Homes Fund, the Epilepsy Treatment and Education Grants-in-Aid Fund, the Diabetes Research Checkoff Fund, the Vince Demuzio Memorial Colon Cancer Fund, the Autism Research Fund, the Asthma and Lung Research Fund, and the Illinois Brain Tumor Research Fund.

Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

(b) If, on October 1 of any year, the total amount of contributions to any one of the funds made under this Section does not meet the minimum contribution amount, then ~~do not equal $100,000 or more,~~ the

explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms in accordance with subsection (d) ~~for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer~~. For purposes of this subsection, the minimum contribution amount is $100,000. If, however, on October 1 of any year, the contributions to all of the funds made under this Section meet the minimum contribution amount, then the minimum contribution amount for the subsequent taxable years is increased by $10,000. If, on October 1 of any year, the contributions to all of the funds made under this Section fail to meet the minimum contribution amount, then the minimum contribution amount for the subsequent taxable years is decreased by $10,000.

(c) In any year, the individual income tax return forms may not contain explanations and spaces for more than 18 funds. The funds must be placed on the tax return forms in the chronological order in which they were authorized. The Department must maintain a reserve list of all income tax checkoffs in excess of the 18 that are placed on income tax return forms and, as set forth under subsection (d), of checkoffs removed from the forms. The checkoffs on the reserve list shall be placed on the tax return forms to replace those funds that are removed from the forms under subsection (b) or by law.

Funds must be placed on the reserve list in chronological order, beginning with the first tax checkoff that became law after the effective date of this amendatory Act of the 94th General Assembly. If 2 or more checkoffs became law on the same day, then the checkoff that passed both houses of the General Assembly on the earliest date shall be listed first.

(d) If a tax checkoff is removed from the tax return forms under subsection (b), the the checkoff shall be placed at the bottom of the reserve list. If 2 or more checkoffs are removed from the tax return forms under subsection (b) in the same year, then the funds shall be placed at the bottom of the reserve list in the order, from highest to lowest, of the amount of contributions that the fund received during that year. A fund that was removed from the return forms more than once after the effective date of this amendatory Act of the 94th General Assembly may not be placed on the reserve list.

(Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff. 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff. 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff. 8-16-05; 94-649, eff. 8-22-05; revised 8-29-05.)

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

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

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

HOUSE BILL 4853. Having been read by title a second time on February 22, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Osterman offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend House Bill 4853, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by adding Section 50-14.5 as follows:

(30 ILCS 500/50-14.5 new)

Sec. 50-14.5. Lead Poisoning Prevention Act violations. Owners of residential buildings who have committed a willful or knowing violation of the Lead Poisoning Prevention Act are prohibited from doing business with the State of Illinois or any State agency until the violation is mitigated.

Section 10. The Lead Poisoning Prevention Act is amended by changing Sections 2, 3, 4, 5, 6, 7.1, 8, and 12 and by adding Sections 6.01, 6.3, 9.2, 9.3, 9.4, and 12.1 as follows:

(410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

Sec. 2. Definitions. As used in this Act:

"Abatement" means the removal or encapsulation of all leadbearing substances in a residential building or dwelling unit.

"Child care facility" means any structure used by a child care provider licensed by the Department of Children and Family Services or public school structure frequented by children through 6 years of age.

"Delegate agency" means a unit of local government or health department approved by the Department to carry out the provisions of this Act.

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

"Dwelling" means any structure all or part of which is designed or used for human habitation.

"High risk area" means an area in the State determined by the Department to be high risk for lead exposure for children through 6 years of age. The Department shall consider, but not be limited to, the following factors to determine a high risk area: age and condition (using Department of Housing and Urban Development definitions of "slum" and "blighted") of housing, proximity to highway traffic or heavy local traffic or both, percentage of housing determined as rental or vacant, proximity to industry using lead, established incidence of elevated blood lead levels in children, percentage of population living below 200% of federal poverty guidelines, and number of children residing in the area who are 6 years of age or younger.

"Exposed surface" means any interior or exterior surface of a dwelling or residential building.

"Lead abatement contractor" means any person or entity licensed by the Department to perform lead abatement and mitigation.

"Lead abatement worker" means any person employed by a lead abatement contractor and licensed by the Department to perform lead abatement and mitigation.

"Lead bearing substance" means any item containing or coated with lead such that the lead content is more than six-hundredths of one percent (0.06%) lead by total weight; or any dust on surfaces or in furniture or other nonpermanent elements of the dwelling; or ~~and~~ any paint or other surface coating material containing more than five-tenths of one percent (0.5%) lead by total weight (calculated as lead metal) in the total non-volatile content of liquid paint; , ~~,~~ or lead bearing substances containing greater than one milligram per square centimeter or any lower standard for lead content in residential paint as may be established by federal law or regulation; or more than 1 milligram per square centimeter in the dried film of paint or previously applied substance; or item or dust on item ~~object~~ containing lead in excess of the amount specified in the rules and regulations authorized by this Act or a lower standard for lead content as may be established by federal law or regulation.

"Lead hazard" means a lead bearing substance that poses an immediate health hazard to humans.

"Lead poisoning" means the condition of having blood lead levels in excess of those considered safe under State and federal rules and regulations.

"Low risk area" means an area in the State determined by the Department to be low risk for lead exposure for children through 6 years of age. The Department shall consider the factors named in "high risk area" to determine low risk areas.

"Mitigation" means the remediation, in a manner described in Section 9, of a lead hazard so that the lead bearing substance does not pose an immediate health hazard to humans.

"Owner" means any person, who alone, jointly, or severally with others:

(a) Has legal title to any dwelling or residential building, with or without accompanying actual possession of the dwelling or residential building, or

(b) Has charge, care or control of the dwelling or residential building as owner or agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner.

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

"Residential building" means any room, group of rooms, or other interior areas of a structure designed or used for human habitation; common areas accessible by inhabitants; and the surrounding property or structures.

"Risk assessment" means a questionnaire to be developed by the Department for use by physicians and other health care providers to determine risk factors for children through 6 years of age residing in areas designated as low risk for lead exposure.

(Source: P.A. 89-381, eff. 8-18-95.)

(410 ILCS 45/3) (from Ch. 111 1/2, par. 1303)

Sec. 3. Lead bearing substance use. No person shall use or apply lead bearing substances:

(a) In or upon any exposed surface of a dwelling or dwelling unit;

(b) In or around the exposed surfaces of a child care facility or other structure frequented by children;

(c) In or upon any fixtures or other objects used, installed, or located in or upon any exposed surface of a dwelling or residential building, or child care facility, or intended to be so used, installed, or located and that, in the ordinary course of use, are accessible to or ~~and~~ chewable by children;

(d) In or upon any items, including, but not limited to, clothing, accessories, jewelry, decorative objects, edible items, candy, food, dietary supplements, toys, furniture, or other articles used by or intended to be ~~and~~ chewable by children;

(e) Within or upon a residential building or dwelling, child care facility, school, playground, park, or

recreational area, or other areas regularly frequented by children.
(Source: P.A. 87-175.)

(410 ILCS 45/4) (from Ch. 111 1/2, par. 1304)

Sec. 4. Sale of items ~~toys or furniture~~ containing lead bearing substance. No person shall sell, have, offer for sale, or transfer toys, ~~or~~ furniture , clothing, accessories, jewelry, decorative objects, edible items, candy, food, dietary supplements, or other articles used by or intended to be chewable by children that contains a lead bearing substance.
(Source: P.A. 87-175.)

(410 ILCS 45/5) (from Ch. 111 1/2, par. 1305)

Sec. 5. Sale of objects containing lead bearing substance. No person shall sell or transfer or offer for sale or transfer any fixtures or other objects intended to be used, installed, or located in or upon any surface of a dwelling or residential building, or child care facility, that contains a lead bearing substance and that, in the ordinary course of use, are accessible to or ~~and~~ chewable by children.
(Source: P.A. 87-175.)

(410 ILCS 45/6) (from Ch. 111 1/2, par. 1306)

Sec. 6. Warning statement. No person, firm, or corporation shall have, offer for sale, sell, or give away any lead bearing substance that may be used by the general public unless it bears the warning statement as prescribed by federal regulation. If no regulation is prescribed the warning statement shall be as follows when the lead bearing substance is a lead-based paint or surface coating: "WARNING--CONTAINS LEAD. DRIED FILM OF THIS SUBSTANCE MAY BE HARMFUL IF EATEN OR CHEWED. See Other Cautions on (Side or Back) Panel. Do not apply on toys, or other children's articles, furniture, or interior, or exterior exposed surfaces of any residential building or facility that may be occupied or used by children. KEEP OUT OF THE REACH OF CHILDREN.". If no regulation is prescribed the warning statement shall be as follows when the lead bearing substance contains lead-based paint or a form of lead other than lead-based paint: "WARNING CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD. KEEP OUT OF THE REACH OF CHILDREN.".

(a) The generic term of a product, such as "paint" may be substituted for the word "substance" in the above labeling.

(b) The placement, conspicuousness, and contrast of the above labeling shall be in accordance with 16 C.F.R. 1500.121 ~~Section 191.101 of the regulations promulgated under the provisions of the Federal Hazardous Substances Act~~.
(Source: P.A. 87-175.)

(410 ILCS 45/6.01 new)

Sec. 6.01. Warning statement where supplies sold.

(a) Any retailer, store, or commercial establishment that offers paint or other supplies intended for the removal of paint shall display, in a prominent and easily visible location, a poster containing, at a minimum, the following:

(1) a statement that dry sanding and dry scraping of paint in dwellings built before 1978 is dangerous;

(2) a statement that the improper removal of old paint is a significant source of lead dust and the primary cause of lead poisoning; and

(3) contact information where consumers can obtain more information.

(b) The Department shall provide sample posters and brochures that commercial establishments may use. The Department shall make these posters and brochures available in hard copy and via download from the Department's Internet website.

(c) A commercial establishment shall be deemed to be in compliance with this Section if the commercial establishment displays lead poisoning prevention posters or provides brochures to its customers that meet the minimum requirements of this Section but come from a source other than the Department.

(410 ILCS 45/6.3 new)

Sec. 6.3. Information provided by the Department of Healthcare and Family Services.

(a) The Director of Healthcare and Family Services shall provide, upon request of the Director of Public Health, an electronic record of all children less than 7 years of age who receive Medicaid, Kidcare, or other health care benefits from the Department of Healthcare and Family Services. The records shall include a history of claims filed for each child and the health care provider who rendered the services. On at least an annual basis, the Director of Public Health shall match the records provided by the Department of Healthcare and Family Services with the records of children receiving lead tests, as reported to the Department under Section 7 of this Act.

(b) The Director shall prepare a report documenting the frequency of lead testing and elevated blood and lead levels among children receiving benefits from the Department of Healthcare and Family Services. On at least an annual basis, the Director shall prepare and deliver a report to each health care provider who has rendered services to children receiving benefits from the Department of Healthcare and Family Services. The report shall contain the aggregate number of children receiving benefits from the Department of Healthcare and Family Services to whom the provider has provided services, the number and percentage of children tested for lead poisoning, and the number and percentage of children having an elevated lead level. The Department of Public Health may exclude health care providers who provide specialized or emergency medical care and who are unlikely to be the primary medical care provider for a child. Upon the request of a provider, the Department of Public Health may generate a list of individual patients treated by that provider according to the claims records and the patients' lead test results.

(410 ILCS 45/7.1) (from Ch. 111 1/2, par. 1307.1)

Sec. 7.1. Child care facilities must require lead blood level screening for admission. By January 1, 1993, each day care center, day care home, preschool, nursery school, kindergarten, or other child care facility, licensed or approved by the State, including such programs operated by a public school district, shall include a requirement that each parent or legal guardian of a child between the ages of 6 months through 6 years provide a statement from a physician or health care provider that the child has been risk assessed, as provided in Section 6.2, if the child resides in an area defined as low risk by the Department, or screened for lead poisoning as provided for in Section 6.2, if the child resides in an area defined as high risk. This statement shall be provided prior to admission and subsequently in conjunction with required physical examinations.

Nothing in this Section shall be construed to require any child to undergo a lead blood level screening or test whose parent or guardian objects on the grounds that the screening or test conflicts with his or her religious beliefs.

Child care facilities that participate in the Illinois Child Care Assistance Program (CCAP) shall annually send or deliver to the parents or guardians of children enrolled in the facility's care an informational pamphlet regarding awareness of lead paint poisoning. Pamphlets shall be produced and made available by the Department and shall be downloadable from the Department's Internet website. The Department of Human Services and the Department of Public Health shall assist in the distribution of the pamphlet.

(Source: P.A. 89-381, eff. 8-18-95.)

(410 ILCS 45/8) (from Ch. 111 1/2, par. 1308)

Sec. 8. Inspection of buildings occupied by a person screening positive. A representative of the Department, or delegate agency, may, after notification that an occupant of the dwelling unit in question is found to have a blood lead value of the value set forth in Section 7, upon presentation of the appropriate credentials to the owner, occupant, or his representative, inspect dwelling or dwelling units, at reasonable times, for the purposes of ascertaining that all surfaces accessible to children are intact and in good repair, and for purposes of ascertaining the existence of lead bearing substances. Such representative of the Department, or delegate agency, may remove samples or objects necessary for laboratory analysis, in the determination of the presence of lead-bearing substances in the designated dwelling or dwelling unit.

If a building is occupied by a child of less than 3 years of age screening positive the Department, in addition to all other requirements of this Section, must inspect the dwelling unit and common place area of the child screening positive.

Following the inspection, the Department or its delegate agency shall:

(1) Prepare an inspection report which shall:

(A) State the address of the dwelling unit.

(B) Describe the scope of the inspection, the inspection procedures used, and the method of ascertaining the existence of a lead bearing substance in the dwelling unit.

(C) State whether any lead bearing substances were found in the dwelling unit.

(D) Describe the nature, extent, and location of any lead bearing substance that is found.

(E) State either that a lead hazard does exist or that a lead hazard does not exist.

If a lead hazard does exist, the report shall describe the source, nature and location of the lead hazard. The existence of intact lead paint does not alone constitute a lead hazard for the purposes of this Section.

(F) Give the name of the person who conducted the inspection and the person to contact for further information regarding the inspection and the requirements of this Act.

(2) Mail or otherwise provide a copy of the inspection report to the property owner and to the occupants of the dwelling unit. If a lead bearing substance is found, at the time of providing a copy of the inspection

report, the Department or its delegate agency shall attach an informational brochure.
(Source: P.A. 87-175; 87-1144.)

(410 ILCS 45/9.2 new)

Sec. 9.2. Multiple mitigation notices. When mitigation notices are issued for 2 or more dwelling units in a building within a 5-year time period, the Department may inspect common areas in the building and shall inspect units where (i) children under the age of 6 reside, at the request of a parent or guardian of the child or (ii) a pregnant woman resides, at the pregnant woman's request. All lead hazards must be mitigated in a reasonable time frame, as determined by rules adopted by the Department. In determining the time frame for completion of mitigation of hazards identified under this Section, the Department shall consider, in addition to the considerations in subsection (6) of Section 9 of this Act, the owner's financial ability to complete the mitigation.

(410 ILCS 45/9.3 new)

Sec. 9.3. Financial assistance for mitigation. Whenever a mitigation notice is issued pursuant to Section 9 or Section 9.2 of this Act, the Department shall make the owner aware of any financial assistance programs that may be available for lead mitigation through the federal, State, or local government or a not-for-profit organization.

(410 ILCS 45/9.4 new)

Sec. 9.4. Owner's obligation to post notice. The owner of a dwelling unit or residential building who has received a mitigation notice under Section 9 of this Act shall post notices in common areas of the building specifying the identified lead hazards. The posted notices, drafted by the Department and sent to the property owner with the notification of lead hazards, shall indicate the following:

(1) that a unit or units in the building have been found to have lead hazards;

(2) that other units in the building may have lead hazards;

(3) that the Department recommends that children 6 years of age or younger receive a blood lead screening;

(4) where to seek further information; and

(5) whether mitigation notices have been issued for 2 or more dwelling units within a 5-year period of time.

Once the owner has complied with a mitigation notice or mitigation order issued by the Department, the owner may remove the notices posted pursuant to this Section.

(410 ILCS 45/12) (from Ch. 111 1/2, par. 1312)

Sec. 12. Violations of Act.

(a) Violation of any Section of this Act other than Section 6.01 or Section 7 shall be punishable as a Class A misdemeanor. A violation of Section 6.01 shall cause the Department to issue a written warning for a first offense and shall be a petty offense for a second or subsequent offense if the violation occurs at the same location within 12 months after the first offense.

(b) In cases where a person is found to have mislabeled, possessed, offered for sale or transfer, sold or transferred, or given away lead-bearing substances, a representative of the Department shall confiscate the lead-bearing substances and retain the substances until they are shown to be in compliance with this Act.

(c) In addition to any other penalty provided under this Act, the court in an action brought under subsection (e) may impose upon any person who violates or does not comply with a notice of deficiency and a mitigation order issued under subsection (7) of Section 9 of this Act or who fails to comply with subsection (3) or subsection (5) of Section 9 of this Act a civil penalty not exceeding $2,500 for each violation, plus $250 for each day that the violation continues.

Any civil penalties collected in a court proceeding shall be deposited into a delegated county lead poisoning screening, prevention, and abatement fund or, if no delegated county or lead poisoning screening, prevention, and abatement fund exists, into the Lead Poisoning Screening, Prevention, and Abatement Fund established under Section 7.2.

(d) Whenever the Department finds that an emergency exists that requires immediate action to protect the health of children under this Act, it may, without administrative procedure or notice, cause an action to be brought by the Attorney General or the State's Attorney of the county in which a violation has occurred for a temporary restraining order or a preliminary injunction to require such action as is required to meet the emergency and protect the health of children.

(e) The State's Attorney of the county in which a violation occurs or the Attorney General may bring an action for the enforcement of this Act and the rules adopted and orders issued under this Act, in the name of the People of the State of Illinois, and may, in addition to other remedies provided in this Act, bring an action for a temporary restraining order or preliminary injunction as described in subsection (d) or an

injunction to restrain any actual or threatened violation or to impose or collect a civil penalty for any violation.

(Source: P.A. 92-447, eff. 8-21-01.)

(410 ILCS 45/12.1 new)

Sec. 12.1. Attorney General and State's Attorney report to General Assembly. The Attorney General and State's Attorney offices shall report to the General Assembly annually the number of lead poisoning cases that have been referred by the Department for enforcement due to violations of this Act or for failure to comply with a notice of deficiency and mitigation order issued pursuant to subsection (7) of Section 9 of this Act.

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

The foregoing motion prevailed and Amendment No. 3 was adopted.

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

HOUSE BILL 4977. Having been recalled on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Scully offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 4977 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Article XX as follows:

(220 ILCS 5/Art. XX heading new)

ARTICLE XX. RETAIL ELECTRIC COMPETITION

(220 ILCS 5/20-101 new)

Sec. 20-101. This Article may be cited as the Retail Electric Competition Act of 2006.

(220 ILCS 5/20-102 new)

Sec. 20-102. Findings and intent.

(a) A competitive wholesale electricity market alone will not deliver the full benefits of competition to Illinois consumers. For Illinois consumers to receive products, prices and terms tailored to meet their needs, a competitive wholesale electricity market must be closely linked to a competitive retail electric market.

(b) To date, as a result of the Electric Service Customer Choice and Rate Relief Law of 1997, thousands of large Illinois commercial and industrial consumers have experienced the benefits of a competitive retail electricity market. Alternative electric retail suppliers actively compete to supply electricity to large Illinois commercial and industrial consumers with attractive prices, terms, and conditions.

(c) A competitive retail electric market does not yet exist for residential and small commercial consumers. As a result, millions of residential and small commercial consumers in Illinois are faced with escalating heating and power bills and are unable to shop for alternatives to the rates demanded by the State's incumbent electric utilities.

(d) The General Assembly reiterates its findings from the Electric Service Customer Choice and Rate Relief Law of 1997 that the Illinois Commerce Commission should promote the development of an effectively competitive retail electricity market that operates efficiently and benefits all Illinois consumers.

(220 ILCS 5/20-105 new)

Sec. 20-105. Definitions. In this Article:

"Director" means the Director of the Office of Retail Market Development.

"Office" means the Office of Retail Market Development.

(220 ILCS 5/20-110 new)

Sec. 20-110. Office of Retail Market Development. Within 90 days after the effective date of this amendatory Act of the 94th General Assembly, subject to appropriation, the Commission shall establish an Office of Retail Market Development and employ on its staff a Director of Retail Market Development to oversee the Office. The Director shall have authority to employ or otherwise retain at least 2 professionals dedicated to the task of actively seeking out ways to promote retail competition in Illinois to benefit all Illinois consumers.

The Office shall actively seek input from all interested parties and shall develop a thorough understanding and critical analyses of the tools and techniques used to promote retail competition in other

states.

The Office shall monitor existing competitive conditions in Illinois, identify barriers to retail competition for all customer classes, and actively explore and propose to the Commission and to the General Assembly solutions to overcome identified barriers. The Director may include municipal aggregation of customers and creating and designing customer choice programs as tools for retail market development. Solutions proposed by the Office to promote retail competition must also promote safe, reliable, and affordable electric service.

On or before June 30 of each year, the Director shall submit a report to the Commission, the General Assembly, and the Governor, that details specific accomplishments achieved by the office in the prior 12 months in promoting retail electric competition and that suggests administrative and legislative action necessary to promote further improvements in retail electric competition.

(220 ILCS 5/20-120 new)

Sec. 20-120. Residential and small commercial retail electric competition. Within 12 months after the effective date of this amendatory Act of the 94th General Assembly, the Director shall conduct research, gather input from all interested parties and develop and present to the Commission, the General Assembly, and the Governor a detailed plan designed to promote, in the most expeditious manner possible, retail electric competition for residential and small commercial electricity consumers while maintaining safe, reliable, and affordable service. Interested parties shall be given the opportunity to review the plan and provide written comments regarding the plan prior to its submission to the Commission, the General Assembly, and the Governor. Any written comments received by the Office shall be posted on the Commission's web site. The final plan submitted to the Commission, the General Assembly, and the Governor must include summaries of any written comments and must also be posted on the Commission's web site.

To the extent the plan calls for Commission action, the Commission shall initiate any proceeding or proceedings called for in the final plan within 60 days after receipt of the final plan and complete those proceedings within 11 months after their initiation.

Nothing in this Section shall prevent the Commission from acting earlier to remove identified barriers to retail electric competition for residential and small commercial consumers.

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 5219. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

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

AMENDMENT NO. 1. Amend House Bill 5219 by replacing everything after the enacting clause with the following:

"Section 5. The Abused and Neglected Child Reporting Act is amended by changing Sections 7 and 7.3 as follows:

(325 ILCS 5/7) (from Ch. 23, par. 2057)

Sec. 7. Time and manner of making reports. All reports of suspected child abuse or neglect made under this Act shall be made immediately by telephone to the central register established under Section 7.7 on the single, State-wide, toll-free telephone number established in Section 7.6, or in person or by telephone through the nearest Department office. The Department shall, in cooperation with school officials, distribute appropriate materials in school buildings listing the toll-free telephone number established in Section 7.6, including methods of making a report under this Act. The Department may, in cooperation with appropriate members of the clergy, distribute appropriate materials in churches, synagogues, temples, mosques, or other religious buildings listing the toll-free telephone number established in Section 7.6, including methods of making a report under this Act.

Wherever the Statewide number is posted, there shall also be posted the following notice:

"Any person who knowingly transmits a false report to the Department commits the offense of disorderly

conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 1961. A first violation of this subsection is a Class A misdemeanor, punishable by a term of imprisonment for up to one year, or by a fine not to exceed $1,000, or by both such term and fine. A second or subsequent violation is a Class 4 felony."

The report required by this Act shall include, if known, the name and address of the child and his parents or other persons having his custody; the child's age; the nature of the child's condition including any evidence of previous injuries or disabilities; and any other information that the person filing the report believes might be helpful in establishing the cause of such abuse or neglect and the identity of the person believed to have caused such abuse or neglect. Reports made to the central register through the State-wide, toll-free telephone number shall be immediately transmitted by the Department to the appropriate Child Protective Service Unit and to the appropriate local law enforcement agency. The Department shall within 24 hours orally notify local law enforcement personnel and the office of the State's Attorney of the involved county of the receipt of any report alleging the death of a child, serious injury to a child including, but not limited to, brain damage, skull fractures, subdural hematomas, and, internal injuries, torture of a child, malnutrition of a child, and sexual abuse to a child, including, but not limited to, sexual intercourse, sexual exploitation, sexual molestation, and sexually transmitted disease in a child age twelve and under. All oral reports made by the Department to local law enforcement personnel and the office of the State's Attorney of the involved county shall be confirmed in writing within 24 ~~48~~ hours of the oral report. All reports by persons mandated to report under this Act shall be confirmed in writing to the appropriate Child Protective Service Unit, which may be on forms supplied by the Department, within 48 hours of any initial report.

Written confirmation reports from persons not required to report by this Act may be made to the appropriate Child Protective Service Unit. Written reports from persons required by this Act to report shall be admissible in evidence in any judicial proceeding relating to child abuse or neglect. Reports involving known or suspected child abuse or neglect in public or private residential agencies or institutions shall be made and received in the same manner as all other reports made under this Act.

(Source: P.A. 92-801, eff. 8-16-02.)

(325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

Sec. 7.3.

(a) The Department shall be the sole agency responsible for receiving and investigating reports of child abuse or neglect made under this Act, except where investigations by other agencies may be required with respect to reports alleging the death of a child, serious injury to a child or sexual abuse to a child made pursuant to Sections 4.1 or 7 of this Act, and except that the Department may delegate the performance of the investigation to the Department of State Police, a law enforcement agency and to those private social service agencies which have been designated for this purpose by the Department prior to July 1, 1980.

(b) Notwithstanding any other provision of this Act, the Department may adopt rules expressly allowing law enforcement personnel to investigate reports of suspected child abuse or neglect concurrently with the Department, without regard to whether the Department determines a report to be "indicated" or "unfounded" or deems a report to be "undetermined".

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

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

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

Representative Leitch offered the following amendment and moved its adoption:

AMENDMENT NO. 3. Amend House Bill 5219, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 2, by replacing lines 17 and 18 with the following:

"Department to the appropriate Child Protective Service Unit. All such reports alleging the death of a child, serious injury to a child including, but not limited to, brain damage, skull fractures, subdural hematomas, and internal injuries, torture of a child, malnutrition of a child, and sexual abuse to a child, including, but not limited to, sexual intercourse, sexual exploitation, sexual molestation, and sexually transmitted disease in a child age 12 and under, shall also be immediately transmitted by the Department to the appropriate local law enforcement agency. The Department".

The foregoing motion prevailed and Amendment No. 3 was adopted.

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

HOUSE BILL 5259. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

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

AMENDMENT NO. 1. Amend House Bill 5259 by replacing everything after the enacting clause with the following:

"Section 5. The Organ Donation Request Act is amended by adding Section 2.5 as follows:

(755 ILCS 60/2.5 new)

Sec. 2.5. Organ preservation.".

Representative Cross offered the following amendments and moved their adoption:

AMENDMENT NO. 2. Amend House Bill 5259 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Anatomical Gift Act is amended by changing Sections 5-20 and 5-45 as follows:

(755 ILCS 50/5-20) (was 755 ILCS 50/5)

Sec. 5-20. Manner of Executing Anatomical Gifts.

(a) A gift of all or part of the body under Section 5-5 (a) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(b) A gift of all or part of the body under Section 5-5 (a) may also be made by a written, signed document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card or a valid driver's license designed to be carried on the person, is effective without regard to the presence or signature of witnesses. Such a gift may also be made by properly executing the form provided by the Secretary of State on the reverse side of the donor's driver's license pursuant to subsection (b) of Section 6-110 of The Illinois Vehicle Code. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(b-1) A gift under Section 5-5 (a) may also be made by an individual consenting to have his or her name included in the First Person Consent organ and tissue donor registry maintained by the Secretary of State under Section 6-117 of the Illinois Vehicle Code. An individual's consent to have his or her name included in the First Person Consent organ and tissue donor registry constitutes full legal authority for the donation of any of his or her organs or tissue. Consenting to be included in the First Person Consent organ and tissue donor registry is effective without regard to the presence or signature of witnesses.

(c) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, then if made for the purpose of transplantation, it shall be effectuated in accordance with Section 5-25, and if made for any other purpose the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee.

(d) Notwithstanding Section 5-45 (b), the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

(e) Any gift by a person designated in Section 5-5 (b) shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.

(f) When there is a suitable candidate for organ donation and a donation or consent to donate has not yet been given, procedures to preserve the decedent's body for possible organ and tissue donation may be implemented under the authorization of the applicable organ procurement agency, at its own expense, prior to making a donation request pursuant to Section 5-25. If the organ procurement agency does not locate a person authorized to consent to donation or consent to donation is denied, then procedures to preserve the decedent's body shall be ceased and no donation shall be made.

(Source: P.A. 93-794, eff. 7-22-04; 94-75, eff. 1-1-06.)

(755 ILCS 50/5-45) (was 755 ILCS 50/8)

Sec. 5-45. Rights and Duties at Death.

(a) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he may, subject

to the terms of the gift, authorize embalming and the use of the body in funeral services, unless a person named in subsection (b) of Section 5-5 has requested, prior to the final disposition by the donee, that the remains of said body be returned to his or her custody for the purpose of final disposition. Such request shall be honored by the donee if the terms of the gift are silent on how final disposition is to take place. If the gift is of a part of the body, the donee or technician designated by him upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation and without undue delay in the release of the body for the purposes of final disposition. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin, or other persons under obligation to dispose of the body, in the order or priority listed in subsection (b) of Section 5-5 of this Act.

(b) The time of death shall be determined by a physician who attends the donor at his death, or, if none, the physician who certifies the death. The physician shall not participate in the procedures for removing or transplanting a part.

(c) A person who acts in good faith in accord with the terms of this Act, the Illinois Vehicle Code, and the AIDS Confidentiality Act, or the anatomical gift laws of another state or a foreign country, is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act. Any person that participates in good faith and according to the usual and customary standards of medical practice in the preservation, removal, or transplantation of any part of a decedent's body pursuant to an anatomical gift made by the decedent under Section 5-20 of this Act or pursuant to an anatomical gift made by an individual as authorized by subsection (b) of Section 5-5 of this Act shall have immunity from liability, civil, criminal, or otherwise, that might result by reason of such actions. For the purpose of any proceedings, civil or criminal, the validity of an anatomical gift executed pursuant to Section 5-20 of this Act shall be presumed and the good faith of any person participating in the removal or transplantation of any part of a decedent's body pursuant to an anatomical gift made by the decedent or by another individual authorized by the Act shall be presumed.

(d) This Act is subject to the provisions of "An Act to revise the law in relation to coroners", approved February 6, 1874, as now or hereafter amended, to the laws of this State prescribing powers and duties with respect to autopsies, and to the statutes, rules, and regulations of this State with respect to the transportation and disposition of deceased human bodies.

(e) If the donee is provided information, or determines through independent examination, that there is evidence that the gift was exposed to the human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS), the donee may reject the gift and shall treat the information and examination results as a confidential medical record; the donee may disclose only the results confirming HIV exposure, and only to the physician of the deceased donor. The donor's physician shall determine whether the person who executed the gift should be notified of the confirmed positive test result.

(Source: P.A. 93-794, eff. 7-22-04; 94-75, eff. 1-1-06.)".

AMENDMENT NO. 3. Amend House Bill 5259, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, on page 3, line 7, by inserting after the period the following:

"The organ procurement agency shall respect the religious tenets of the decedent, if known, such as a pause after death, before initiating preservation services.".

The foregoing motion prevailed and Amendments numbered 2 and 3 were adopted.

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

HOUSE BILL 5334. Having been read by title a second time on February 23, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Osterman offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 5334, AS AMENDED, by replacing the first 2 sentences of subsection (a) of Section 10 with the following:

"(a) Subject to appropriation, the Condominium Advisory Council is created within the Department of Revenue. Subject to appropriation, the Department of Revenue shall provide administrative and financial support to the Council.".

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

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

HOUSE BILL 5337. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

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

AMENDMENT NO. 1. Amend House Bill 5337 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Viatical and Life Settlements Act of 2006.

Section 5. Definitions.

"Advertising" means any written, electronic, or printed communication or any communication by means of recorded telephone messages or transmitted on radio, television, the Internet, or similar communications media, including film strips, motion pictures, and videos published, disseminated, circulated, or placed directly before the public in this State, for the purpose of creating an interest in or inducing a person to sell, assign, devise, bequest, or transfer the death benefit or ownership of a policy pursuant to a viatical settlement contract.

"Business of viatical settlements" means any activity involved in the offering, solicitation, negotiation, procurement, effectuation, purchasing, investing, financing, monitoring, tracking, underwriting, selling, transferring, assigning, pledging, or hypothecating of viatical settlement contracts or any other action affecting viatical settlement contracts.

"Chronically ill" means:

(1) having a level of disability as determined by the Secretary of Health and Human Services or being unable to perform at least 2 activities of daily living, such as eating, toileting, transferring, bathing, dressing, or continence; or

(2) requiring substantial supervision to protect the individual from threats to health and safety due to severe cognitive impairment.

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

"Financing entity" means an underwriter, placement agent, lender, purchaser of securities, purchaser of a policy or certificate from a viatical settlement provider, credit enhancer, or an entity that has a direct ownership in a policy that is the subject of a viatical settlement contract and:

(1) whose principal activity related to the transaction is providing funds to effect the viatical settlement or purchase of one or more viaticated policies; and

(2) who has an agreement in writing with one or more licensed viatical settlement providers to finance the acquisition of viatical settlement contracts or to provide stop loss insurance.

"Financing entity" does not include a nonaccredited investor.

"Fraudulent viatical settlement act" includes:

(1) Acts or omissions committed by a person who, knowingly or with intent to defraud for the purpose of depriving another of property or for pecuniary gain, commits or permits its employees or its agents to engage in acts including:

(A) presenting, causing to be presented, or preparing with knowledge or belief that it will be presented to or by a viatical settlement provider, financing entity, insurer, insurance producer, or another person, false material information or concealing material information as part of, in support of, or concerning a fact material to one or more of the following:

(i) an application for the issuance of a viatical settlement contract or policy;

(ii) the underwriting of a viatical settlement contract or policy;

(iii) a claim for payment or benefit pursuant to a viatical settlement contract or policy;

(iv) premiums paid on a policy;

(v) payments and changes in ownership or beneficiary made in accordance with the terms of a viatical settlement contract or policy;

(vi) the reinstatement or conversion of a policy;

(vii) in the solicitation, offer, effectuation, or sale of a viatical settlement contract or policy;

(viii) the issuance of written evidence of a viatical settlement contract or policy; or

(ix) a financing transaction;

(B) employing any device, scheme, or artifice to defraud related to viaticated policies.

(2) In the furtherance of a fraud or to prevent the detection of a fraud a person commits or permits its employees or its agents to:

(A) remove, conceal, alter, destroy, or sequester from the Secretary the assets or records of a licensee or other person engaged in the business of viatical settlements;

(B) misrepresent or conceal the financial condition of a licensee, financing entity, insurer, or other person;

(C) transact the business of viatical settlements in violation of laws requiring a license, certificate of authority, or other legal authority for the transaction of the business of viatical settlements; or

(D) file with the Secretary or the chief insurance regulatory official of another jurisdiction a document containing false information or otherwise conceals information about a material fact from the Secretary.

(3) Embezzlement, theft, misappropriation, or conversion of monies, funds, premiums, credits, or other property of a life insurance producer acting as a viatical settlement broker or another person engaged in the business of viatical settlements or insurance.

(4) Recklessly entering into, negotiating, or otherwise dealing in a viatical settlement contract, the subject of which is a policy that was obtained by presenting false information concerning a fact material to the policy, or by concealing, for the purpose of misleading another, information concerning a fact material to the policy, where the viator or the viator's agent intended to defraud the insurance company that issued the policy. "Recklessly" means engaging in the conduct in conscious and clearly unjustifiable disregard of a substantial likelihood of the existence of the relevant facts or risks, this disregard involving a gross deviation from acceptable standards of conduct.

(5) Facilitating the change of state of residency of a policy or a viator to avoid the provisions of this Act.

(6) Attempting to commit, assist, aid, or abet in the commission of or conspiracy to commit the acts or omissions specified in this definition.

"Licensee" means any viatical settlement provider or any life insurance producer acting as a viatical settlement broker.

"Life insurance producer" means a person licensed as a resident or nonresident insurance producer pursuant to Article XXXI of the Illinois Insurance Code with a life line of authority pursuant to Section 500-35 of the Illinois Insurance Code.

"Person" means any natural or artificial entity including, but not limited to, individuals, partnerships, limited liability company, associations, trusts, or corporations.

"Policy" means an individual or group policy, group certificate, contract, or arrangement of life insurance affecting the rights of a resident of this State or bearing a reasonable relation to this State, regardless of whether delivered or issued for delivery in this State.

"Related provider trust" means a titling trust or other trust established by a licensed viatical settlement provider or a financing entity for the sole purpose of holding the ownership or beneficial interest in purchased policies in connection with a financing transaction. The trust shall have a written agreement with the licensed viatical settlement provider under which the licensed viatical settlement provider is responsible for ensuring compliance with all statutory and regulatory requirements and under which the trust agrees to make all records and files related to viatical settlement transactions available to the Secretary as if those records and files were maintained directly by the licensed viatical settlement provider.

"Secretary" means the Secretary of Financial and Professional Regulation.

"Special purpose entity" means a corporation, partnership, trust, limited liability company, or other similar entity formed only to provide, directly or indirectly, access to institutional capital markets for a financing entity or licensed viatical settlement provider.

"Terminally ill" means having an illness or sickness that reasonably is expected to result in death in 24 months or less.

"Viatical settlement broker" means a person who, on behalf of a viator and for a fee, commission, or other valuable consideration, offers or attempts to negotiate viatical settlement contracts between a viator and one or more viatical settlement providers. Irrespective of the manner in which the viatical settlement broker is compensated, a viatical settlement broker is deemed to represent only the viator and not the insurer or viatical settlement provider and owes a duty to the viator to act according to the viator's instructions and in the best interests of the viator.

"Viatical settlement contract" means a written agreement between a viator and a viatical settlement provider establishing the terms under which the viatical settlement provider will pay compensation or anything of value is paid, which compensation or value is less than the expected death benefit of the policy, in return for the viator's assignment, transfer, sale, devise, or bequest of the death benefit or ownership of any portion of the policy. "Viatical settlement contract" includes a contract for a loan or other financing transaction with a viator secured primarily by an individual or group life insurance policy, other than a loan by a life insurance company pursuant to the terms of the policy, or a loan secured by the cash value of a policy. "Viatical settlement contract" includes an agreement with a viator to transfer ownership or change the beneficiary designation at a later date regardless of the date that compensation is paid to the viator. "Viatical settlement contract" does not mean a written agreement entered into between a viator and a person having an insurable interest in the insured's life.

"Viatical settlement provider" means a person, other than a viator, who enters into or effectuates a viatical settlement contract. "Viatical settlement provider" does not include:

(1) a bank, savings and loan association, credit union, or other licensed lending institution that takes an assignment of a policy as collateral for a loan;

(2) the issuer of a policy providing accelerated benefits under the policy;

(3) an authorized or eligible insurer that provides stop loss coverage to a viatical settlement provider, financing entity, special purpose entity, or related provider trust;

(4) a natural person who enters into or effectuates no more than one agreement in a calendar year for the transfer of policies for any value less than the expected death benefit;

(5) a financing entity;

(6) a special purpose entity;

(7) a related provider trust; or

(8) an accredited investor or qualified institutional buyer as defined, respectively, in Regulation D, Rule 501 or Rule 144A of the Federal Securities Act of 1933, as amended, and who purchases a purchased policy from a viatical settlement provider.

"Viaticated policy" means a life insurance policy that has been acquired by a viatical settlement provider pursuant to a viatical settlement contract.

"Viator" means the owner of a life insurance policy or a life insurance certificate holder who is a resident of this State, who enters or seeks to enter into a viatical settlement contract. For the purposes of this Act, a viator is not limited to an owner of a policy insuring the life of an individual with a terminal or chronic illness or condition except where specifically addressed. If there is more than one owner on a single policy and the owners are residents of different states, the transaction shall be governed by the law of the state in which the owner having the largest percentage ownership resides or, if the owners hold equal ownership, the state of residence of one owner agreed upon in writing by all owners. Viator does not include:

(1) a licensee under this Act, including a life insurance producer acting as a viatical settlement broker;

(2) an accredited investor or qualified institutional buyer as defined, respectively, in Regulation D, Rule 501 or Rule 144A of the Federal Securities Act of 1933, as amended;

(3) a financing entity;

(4) a special purpose entity; or

(5) a related provider trust.

Section 10. License Requirements.

(a) A person shall not operate as a viatical settlement broker unless the person is a life insurance producer and satisfies the requirements of subsection (b) of this Section.

(b) A life insurance producer, as defined in this Act, who has been licensed for at least one year, shall be permitted to act as a viatical settlement broker and negotiate viatical settlement contracts between a viator and one or more viatical settlement providers. For purposes of this Section, the one year requirement is deemed to be satisfied if the person has been licensed as a resident life insurance producer in his or her home state for at least one year. Not later than 30 days from the first day of negotiating a viatical settlement contract on behalf of a viator, the life insurance producer shall notify the Secretary of the activity on a form

prescribed by the Secretary, and shall pay any applicable fees as determined by the Secretary. Notification must include an acknowledgment by the producer that he or she will operate in accordance with this Act.

Irrespective of the manner in which the viatical settlement broker is compensated, a viatical settlement broker is deemed to represent only the viator and not the insurer or viatical settlement provider and owes a duty to the viator to act according to the viator's instructions and in the best interests of the viator. The insurer that issued the policy being viaticated shall not be responsible for any act or omission of a viatical settlement broker or viatical settlement provider arising out of or in connection with the viatical settlement transaction, unless the insurer receives compensation from the viatical settlement provider or viatical settlement broker for the viatical settlement contract.

(c) Notwithstanding any other provision of this Section, a person licensed as an attorney, certified public accountant, or financial planner accredited by a nationally recognized accreditation agency who is retained to represent the viator and whose compensation is not paid directly or indirectly by the viatical settlement provider may negotiate viatical settlement contracts without having to obtain a license as a life insurance producer.

(d) A person shall not operate as a viatical settlement provider from within this State or for persons residing in this State without first having obtained a viatical settlement provider license from the Secretary.

(e) Application for a viatical settlement provider license shall be made to the Secretary by the applicant on a form prescribed by the Secretary. The application shall be accompanied by a fee of $1,500, which shall be deposited into the Insurance Producer Administration Fund.

Viatical settlement providers' licenses may be renewed from year to year on the anniversary date of the license upon (i) submission of renewal forms prescribed by the Secretary and (ii) payment of the annual renewal fee of $750, which shall be deposited into the Insurance Producer Administration Fund. Failure to pay the fee within the terms prescribed by the Secretary shall result in the expiration of the license.

(f) Applicants for a viatical settlement provider's license shall provide information prescribed by the Secretary on forms prescribed by the Secretary. The Secretary shall have authority, at any time, to require the applicant to fully disclose the identity of all stockholders, partners, officers, members, and employees, except stockholders owning fewer than 5% of the shares of an applicant whose shares are publicly traded. The Secretary may, in the exercise of discretion, refuse to issue a license in the name of a legal entity, if not satisfied that an officer, employee, stockholder, member, or partner thereof who may materially influence the applicant's conduct meets the standards of this Act.

(g) A viatical settlement provider's license issued to a legal entity authorizes all partners, members, officers, and designated employees to act as viatical settlement providers, as applicable, under the license. All those persons must be named in the application and any supplements thereto.

(h) Upon the filing of an application for a viatical settlement provider's license and the payment of the license fee, the Secretary may request information from the applicant relating to the applicant's qualifications to be licensed as a viatical settlement provider and shall issue a license if the Secretary finds that the applicant:

(1) has provided a detailed plan of operation;

(2) is competent and trustworthy and intends to act in good faith in the capacity authorized by the license applied for;

(3) has a good business reputation and has had experience, training, or education so as to be qualified in the business for which the license is applied for;

(4) provides a certificate of good standing from the state of its domicile if the applicant is a legal entity; and

(5) has provided an anti-fraud plan that meets the requirements of this Act.

The Secretary may not issue a license to a nonresident applicant unless a written designation of an agent for service of process is filed and maintained with the Secretary or the applicant has filed with the Secretary the applicant's written irrevocable consent that any action against the applicant may be commenced against the applicant by service of process on the Secretary.

A viatical settlement provider shall provide to the Secretary new or revised information about officers, 10% or more stockholders, partners, directors, members, or designated employees within 30 days of a change.

Section 15. License suspension, denial, nonrenewal, and revocation.

(a) The Secretary may refuse to issue or renew or may suspend or revoke the license of any viatical settlement provider if the Secretary finds any of the following:

(1) there was material misrepresentation in the application for the license;

(2) the licensee or any officer, partner, member, or key management personnel has been

convicted of fraudulent or dishonest practices, is subject to a final administrative action, or is otherwise shown to be untrustworthy or incompetent;

(3) the licensee demonstrates a pattern of unreasonable payments to viators;

(4) the licensee or any officer, partner, member, or key management personnel has been found guilty of, or pleaded guilty or nolo contendere to, any felony or misdemeanor involving fraud or moral turpitude, regardless of whether a judgment or conviction has been entered by the court;

(5) the licensee has entered into any viatical settlement contract that has not been approved pursuant to this Act;

(6) the licensee has failed to honor contractual obligations set out in a viatical settlement contract;

(7) the licensee no longer meets the requirements for initial licensure;

(8) the licensee has assigned, transferred, or pledged a purchased policy to a person other than a viatical settlement provider licensed in this State, an accredited investor or qualified institutional buyer as defined, respectively, in Regulation D, Rule 501 or Rule 144A of the Federal Securities Act of 1933, as amended, a financing entity, a special purpose entity, or a related provider trust; or

(9) the licensee or any officer, partner, member, or key management personnel has violated any of the provision of this Act.

(b) The Secretary may suspend, revoke, or refuse to renew the license of a life insurance producer acting as a viatical settlement broker if the Secretary finds that the life insurance producer acting as a viatical settlement broker has violated the provisions of this Act.

(c) Before the Secretary denies a license application or suspends, revokes, or refuses to renew the license of a viatical settlement provider or a life insurance producer acting as a viatical settlement broker the Secretary shall conduct a hearing in accordance with the Illinois Administrative Procedure Act.

Section 20. Approval of viatical settlement contracts. No viatical settlement provider or viatical settlement broker may use a viatical settlement contract or provide to a viator a disclosure statement form in this State unless it has been filed with and approved by the Secretary. A viatical settlement contract form filed with the Secretary shall be deemed approved if it has not been disapproved within 60 days of the filing. The Secretary shall disapprove a viatical settlement contract form or a disclosure statement form if, in the Secretary's opinion, the contract or provisions contained therein are unreasonable, contrary to the interests of the public, or otherwise misleading or unfair to the viator. At the Secretary's discretion, the Secretary may require the viatical settlement provider or viatical settlement broker to submit copies of its advertising material.

Section 25. Reporting requirements.

(a) Each viatical settlement provider shall file with the Secretary on or before March 1 of each year an annual statement containing information that the Secretary may prescribe by rule. This information shall not include individual transaction data regarding the business of viatical settlements or data that compromises the privacy of personal, financial, and health information of the viator or insured.

(b) Any information relating to the identity of an insured individual or an insured individual's financial or medical information collected, received, or maintained by any entity directly or indirectly involved with a viatical settlement transaction, including a viatical settlement provider, life insurance producer acting as a viatical settlement broker, information bureau, rating agency or company, or any other person with actual knowledge of a viator's or insured's identity, shall be subject to the requirements of Article XL of the Illinois Insurance Code, except as provided below or otherwise allowed or required by law. The information may not be disclosed unless the disclosure is:

(1) necessary to effect a viatical settlement contract between the viator and a viatical settlement provider and the viator or insured or both, as may be required, have provided prior written consent to the disclosure;

(2) provided in response to an investigation or examination by the Secretary or another governmental officer or agency;

(3) a term of or condition to the transfer of a policy by one viatical settlement provider to another viatical settlement provider;

(4) necessary to permit a financing entity, related provider trust, or special purpose entity to finance the purchase of policies by a viatical settlement provider and the viator and insured have provided prior written consent to the disclosure;

(5) necessary to allow the viatical settlement provider or their authorized

representatives to make contacts for the purpose of determining health status; or

(6) required to purchase stop loss coverage.

Section 30. Examination of applicants and licensees.

(a) The Secretary may conduct an examination of a licensee as often as the Secretary in his or her sole discretion deems appropriate. The Secretary has the authority to order a licensee or applicant to produce any records, books, files, or other information reasonably necessary to ascertain whether or not the licensee or applicant is acting or has acted in violation of the law or otherwise contrary to the interests of the public.

For purposes of completing an examination of a licensee under this Act, the Secretary may examine or investigate any person, or the business of any person, insofar as the examination or investigation is, in the sole discretion of the Secretary, necessary or material to the examination of the licensee.

In lieu of an examination under this Act of any foreign or alien licensee licensed in this State, the Secretary may, at the Secretary's discretion, accept an examination report on the licensee as prepared by the chief insurance regulatory official for the licensee's state of domicile or port-of-entry state.

(b) A person required to be licensed by this Act shall for 5 years retain copies of:

(1) proposed, offered, or executed contracts, underwriting documents, policy forms, and applications from the date of the proposal, offer, or execution of the contract, which ever is later;

(2) all checks, drafts, or other evidence and documentation related to the payment, transfer, deposit, or release of funds from the date of the transaction;

(3) all complaints received against the licensee and those viatical settlement agents representing the licensee; and

(4) all other records and documents related to the requirements of this Act.

This subsection (b) does not relieve a person of the obligation to produce these documents to the Secretary after the retention period has expired if the person has retained the documents.

Records required to be retained by this subsection (b) must be legible and complete and may be retained in paper, photograph, micro process, magnetic, mechanical, or electronic media, or by any process that accurately reproduces or forms a durable medium for the reproduction of a record.

The Secretary may adopt rules to prescribe the minimum records that must be maintained by licensees.

(c) Upon determining that an examination should be conducted, the Secretary shall issue an examination warrant appointing one or more examiners to perform the examination and instructing them as to the scope of the examination. In conducting the examination, the examiner may employ guidelines or procedures that the Secretary may deem appropriate.

Every licensee, its officers, directors, and agents, and any other person from whom information is sought shall provide to the examiners timely, convenient, and free access at all reasonable hours at its offices to all books, records, accounts, papers, documents, assets, and computer or other recordings relating to the property, assets, business, and affairs of the licensee being examined. The officers, directors, employees, and agents of the licensee or person shall facilitate the examination and aid in the examination so far as it is in their power to do so. The refusal of a licensee by its officers, directors, employees, or agents, to submit to examination or to comply with any reasonable written request of the Secretary shall be grounds for suspension or refusal to renew of any license or authority held by the licensee to engage in the viatical settlement business or other business subject to the Secretary's jurisdiction. Any proceedings for suspension, revocation, or refusal of any license or authority shall be conducted pursuant to the Illinois Administrative Procedures Act.

The Secretary or any of his or her examiners shall have the power to issue subpoenas, to administer oaths, and to examine under oath any person as to any matter pertinent to the examination. Upon the failure or refusal of a person to obey a subpoena, the Secretary may petition a court of competent jurisdiction, and upon proper showing, the court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the court order shall be punishable as contempt of court.

When making an examination under this Act, the Secretary may retain attorneys, appraisers, independent actuaries, independent certified public accountants, or other professionals and specialists as examiners, the reasonable cost of which shall be borne by the licensee that is the subject of the examination.

(d) Nothing contained in this Act shall be construed to limit the Secretary's authority to terminate or suspend an examination in order to pursue other legal or regulatory action pursuant to the insurance laws of this State. Findings of fact and conclusions made pursuant to any examination shall be prima facie evidence in any legal or regulatory action.

(e) Nothing contained in this Act shall be construed to limit the Secretary's authority to

use and, if appropriate, to make public any final report.

(f) The Secretary may charge the expenses incurred in any examination authorized by this Section to the person being examined. The charge shall be reasonably related to the cost of the examination, including, but not limited to, a per diem charge of $300 per examiner, electronic data processing costs, costs related to the supervision and preparation of an examination report, and lodging and travel expenses. All lodging and travel expenses shall be in accordance with the applicable travel rules published by the Department of Central Management Services and approved by the Governor's Travel Control Board, except that out-of-state lodging and travel expenses shall be in accordance with travel rates prescribed under 41 C.F.R. 301-7.2 for reimbursement of subsistence expenses incurred during official travel. All lodging and travel expenses may be reimbursed directly upon authorization by the Secretary. All electronic data processing costs incurred by the Department in the performance of any examination shall be billed directly to the person being examined for payment to the Statistical Services Revolving Fund. With the exception of the direct reimbursements authorized by the Secretary, all other examination charges collected by the Department shall be paid to the Insurance Producers Administration Fund.

The payment of fees or charges shall be made by separate check, or other payment method approved by the Secretary, for each invoice issued by the Department.

Any fee or charge assessed pursuant to this Part for which a payment due date has not been established must be paid within 30 days after the date of the Department's invoice.

Any company, person, or entity failing to make any payment of $100 or more as required under this subsection (f) is liable, in addition to the tax and any penalties, for interest on the deficiency at the rate of 12% per annum or at higher adjusted rates as are or may be established under subsection (b) of Section 6621 of the Internal Revenue Code, from the date that payment was due, determined without regard to any extensions, to the date of payment of the amount.

If a licensee fails to pay the full amount of any fee of $200 or more due under this subsection (f), there shall be added to the amount due, as a penalty, the greater of $100 or an amount equal to 10% of the deficiency for each month or part of a month that the deficiency remains unpaid.

If a licensee fails to timely pay the full amount of any fee or charge of $100 or more due under this subsection (f), there may be added to the amount due, as a penalty, the greater of $50 or an amount equal to 5% of the deficiency for each month or part of a month that the deficiency remains unpaid. In addition to the fee or charge, interest on the deficiency shall be assessed at the rate of 12% per annum or at higher adjusted rates as are or may be established under subsection (b) of Section 6621 of the Internal Revenue Code, from the date that payment of the fee or charge was due to the date of payment of the amount.

Any person or company required to pay a fee or charge pursuant to this Section may request a hearing to be held for the purposes of determining if the assessed fee or charge is appropriate. The hearing request shall be made pursuant to 50 Ill. Admin. Code 2500.50 and shall be based only on (i) the grounds set forth in Section 412 of the Illinois Insurance Code, (ii) a mistake of fact, (iii) an error in calculation, or (iv) an erroneous interpretation of a statute of this or any other state.

(g) Examination reports shall be comprised only of facts appearing upon the books, records, or other documents of the licensee, its agents, or other persons examined, or as ascertained from the testimony of its officers or agents or other persons examined concerning its affairs and the conclusions and recommendations that the examiners find reasonably warranted from the facts.

(h) No later than 60 days following completion of the examination, the examiner in charge shall file with the Secretary a verified written report of examination under oath. Upon receipt of the verified report, the Secretary shall transmit the report to the licensee examined, together with a notice that shall afford the licensee examined a reasonable opportunity of not more than 30 days to make a written submission or rebuttal with respect to any matters contained in the examination report.

Within 30 days after the end of the period allowed for the receipt of written submissions or rebuttals the Secretary shall fully consider and review the report, together with any written submissions or rebuttals and any relevant portions of the examiner's workpapers and enter an order doing one of the following:

(1) Adopting the examination report as filed or with modification or corrections. If the examination report reveals that the company is operating in violation of any law, rule, or prior order of the Secretary, the Secretary may order the company to take any action the Secretary considers necessary and appropriate to cure the violation.

(2) Rejecting the examination report with directions to the examiners to reopen the

examination for purposes of obtaining additional data, documentation, or information and refiling.

(3) Calling for an investigatory hearing with no less than 20 days notice to the company for purposes of obtaining additional documentation, data, information, and testimony.

All orders entered pursuant to this subsection (h) shall be accompanied by findings and conclusions resulting from the Secretary's consideration and review of the examination report, relevant examiner workpapers, and any written submissions or rebuttals. Any order issued pursuant to this subsection (h) shall be considered a final administrative decision and may be appealed pursuant to the Administrative Review Law and shall be served upon the company by certified mail, together with a copy of the adopted examination report. Within 30 days of the issuance of the adopted report the company shall file affidavits executed by each of its directors stating under oath that they have received a copy of the adopted report and related orders.

(i) Hearings conducted pursuant to this Section shall be subject to the following requirements:

(1) Any hearing conducted pursuant to this Section by the Secretary or the Secretary's authorized representative shall be conducted as a nonadversarial confidential investigatory proceeding as necessary for the resolution of any inconsistencies, discrepancies, or disputed issues apparent upon the face of the filed examination report or raised by or as a result of the Secretary's review of relevant workpapers or by the written submission or rebuttal of the company. Within 20 days of the conclusion of any hearing, the Secretary shall enter an order pursuant to paragraph (1) of subsection (h) of this Section.

(2) The Secretary may appoint an authorized representative to conduct the hearing, except that the authorized representative may not be an examiner. The hearing shall proceed expeditiously with discovery by the company limited to the examiner's workpapers that tend to substantiate any assertions set forth in any written submission or rebuttal. The Secretary or the Secretary's representative may issue subpoenas for the attendance of any witnesses or the production of any documents considered relevant to the investigation whether under the control of the Secretary, the company, or other persons. The documents produced shall be included in the record and testimony taken by the Secretary or the Secretary's representative shall be under oath and preserved for the record. Nothing contained in this Section shall require the Secretary to disclose any information or records that would indicate or show the existence or content of any investigation or activity of a criminal justice agency.

(3) The hearing shall proceed with the Secretary or the Secretary's representative posing questions to the persons subpoenaed. Thereafter, the company and the Secretary may present testimony relevant to the investigation. Cross-examination may be conducted only by the Secretary or the Secretary's representative. The company and the Secretary shall be permitted to make closing statements and may be represented by the counsel of their choice.

(j) In the event the Secretary determines that regulatory action is appropriate as a result of an examination, the Secretary may initiate any proceedings or actions provided by law.

(k) Names and individual identification data for all viators shall be considered private and confidential information and shall not be disclosed by the Secretary unless required by law.

Except as otherwise provided in this Act, all examination reports, working papers, recorded information, documents and copies thereof produced by, obtained by or disclosed to the Secretary or any other person in the course of an examination made under this Act or the law of another state or jurisdiction that is substantially similar to this Act, or in the course of analysis or investigation by the Secretary of the financial condition or market conduct of a licensee are (i) confidential by law and privileged, (ii) not subject to the Freedom of Information Act, (iii) not subject to subpoena, and (iv) not subject to discovery or admissible in evidence in any private civil action.

The Secretary is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as part of the Secretary's official duties.

Documents, materials, or other information, including, but not limited to, all working papers and copies thereof, in the possession or control of the NAIC and its affiliates and subsidiaries are:

(1) confidential by law and privileged;

(2) not subject to subpoena; and

(3) not subject to discovery or admissible in evidence in any private civil action if they are:

(A) created, produced or obtained by or disclosed to the NAIC and its affiliates and subsidiaries in the course of assisting an examination made under this Act or assisting the Secretary in the analysis or investigation of the financial condition or market conduct of a licensee; or

(B) disclosed to the NAIC and its affiliates and subsidiaries under this subsection (k) by the Secretary.

The Secretary or any person that received the documents, material, or other information while acting under the authority of the Secretary, including, but not limited to, the NAIC and its affiliates and subsidiaries, is permitted to testify in any private civil action concerning any confidential documents, materials, or information subject to this subsection (k).

(l) In order to assist in the performance of the Secretary's duties, the Secretary may:

(1) share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsection (k) of this Section, with other state, federal, and international regulatory agencies, with the NAIC and its affiliates and subsidiaries, and with state, federal, and international law enforcement authorities, provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material, communication, or other information;

(2) receive documents, materials, communications, or information, including otherwise confidential and privileged documents, materials, or information, from the NAIC and its affiliates and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information; and

(3) enter into agreements governing sharing and use of information consistent with this Section.

(m) No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the Secretary under this Section or as a result of sharing as authorized in subsection (l) of this Section.

(n) A privilege established under the law of any state or jurisdiction that is substantially similar to the privilege established under this Section shall be available and enforced in any proceeding in and in any court of this State.

(o) Nothing contained in this Act shall prevent or be construed as prohibiting the Secretary from disclosing the content of an examination report, preliminary examination report or results, or any matter relating thereto, to the chief insurance regulatory official of any other state or country, or to law enforcement officials of this or any other state or agency of the federal government at any time or to the NAIC, so long as the agency or office receiving the report or matters relating thereto agrees in writing to hold it confidential and in a manner consistent with this Act.

(p) An examiner may not be appointed by the Secretary if the examiner, either directly or indirectly, has a conflict of interest or is affiliated with the management of or owns a pecuniary interest in any person subject to examination under this Act. This Section shall not be construed to automatically preclude an examiner from being:

(1) a viator;

(2) an insured in a purchased policy; or

(3) a beneficiary in an insurance policy that is proposed to be the subject of a viatical settlement contract.

Notwithstanding the requirements of this subsection (p), the Secretary may retain from time to time, on an individual basis, qualified actuaries, certified public accountants, or other similar individuals who are independently practicing their professions, even though these persons may from time to time be similarly employed or retained by persons subject to examination under provisions of this Act.

(q) The expenses incurred in conducting any examination shall be paid by the licensee or applicant.

(r) No cause of action shall arise nor shall any liability be imposed against the Secretary, the Secretary's authorized representatives, or any examiner appointed by the Secretary for any statements made or conduct performed in good faith while carrying out the provisions of this Section.

No cause of action shall arise, nor shall any liability be imposed against any person for the act of communicating or delivering information or data to the Secretary or the Secretary's authorized representative or examiner pursuant to an examination made under this Section, if the act of communication or delivery was performed in good faith and without fraudulent intent or the intent to deceive. This subsection (r) does not abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person identified in this subsection (r).

A person identified in this subsection (r) shall be entitled to an award of attorney's fees

and costs if he or she is the prevailing party in a civil cause of action for libel, slander, or any other relevant tort arising out of activities in carrying out the provisions of this Section and the party bringing the action was not substantially justified in doing so. For purposes of this Section, a proceeding is "substantially justified" if it had a reasonable basis in law or fact at the time that it was initiated.

(s) The Secretary may investigate suspected fraudulent viatical settlement acts and persons engaged in the business of viatical settlements.

Section 35. Disclosure.

(a) With each application for a viatical settlement contract, a viatical settlement provider or viatical settlement broker shall provide the viator with at least the following disclosures no later than the time the viatical settlement contract is signed by all parties. The disclosures must be provided in a separate document that is signed by the viator and the viatical settlement provider or viatical settlement broker, and shall provide the following information:

(1) That there exist possible alternatives to a viatical settlement contract including any accelerated death benefits or policy loans offered under the viator's life insurance policy.

(2) That a life insurance producer acting as a viatical settlement broker negotiating a viatical settlement contract represents only the viator and not the insurer or the viatical settlement provider and owes a duty to the viator to act according to the viator's instructions.

(3) That some or all of the proceeds of the viatical settlement contract may be taxable under federal income tax and state franchise and income taxes, and assistance may be sought from a professional tax advisor.

(4) That proceeds of the viatical settlement contract may be subject to the claims of creditors.

(5) That receipt of the proceeds of a viatical settlement contract may adversely affect the viator's eligibility for Medicaid or other government benefits or entitlements, and advice may be obtained from the appropriate government agencies.

(6) That the viator has the right to rescind a viatical settlement contract before the earlier of 30 calendar days after the date the viatical settlement contract is executed by all parties or for 15 calendar days after the receipt of the viatical settlement proceeds by the viator. Rescission, if exercised by the viator, is effective only if both notice of the rescission is given and repayment of all proceeds and any premiums, loans, and loan interest to the viatical settlement provider is made within the rescission period. If the insured dies during the rescission period, the viatical settlement contract is deemed to have been rescinded, subject to repayment being made to the viatical settlement provider of all viatical settlement proceeds and any premiums, loans, and loan interest within 45 days after the death of the insured.

(7) That funds must be sent to the viator within 3 business days after the viatical settlement provider has received the insurer or group administrator's acknowledgment that ownership of the purchased policy has been transferred and the beneficiary has been designated.

(8) That entering into a viatical settlement contract may cause other rights or benefits, including conversion rights and waiver of premium benefits that may exist under the policy, to be forfeited by the viator. Assistance may be sought from a financial adviser.

(9) That the disclosure to a viator must include distribution of a brochure, approved by the Secretary, describing the process of viatical settlements.

(10) That the disclosure document must contain the following language: "All medical, financial, or personal information solicited or obtained by a viatical settlement provider or a life insurance producer about an insured, including the insured's identity or the identity of family members, a spouse, or a significant other may be disclosed as necessary to effect the viatical settlement contract between the viator and the viatical settlement provider. If you are asked to provide this information, you will be asked to consent to the disclosure. The information may be provided to someone who buys the policy or provides funds for the purchase. You may be asked to renew your permission to share information every 2 years.".

(11) That the insured may be contacted by either the viatical settlement provider or its authorized representative for the purpose of determining the insured's health status. This contact is limited to once every 3 months if the insured has a life expectancy of more than one year, and no more than once each month if the insured has a life expectancy of one year or less.

(b) A viatical settlement provider shall provide the viator with at least the following disclosures no later than the date the viatical settlement contract is signed by all parties. The disclosures must be displayed conspicuously in the viatical settlement contract or in a separate document signed by

the viator and the viatical settlement provider, and provide the following information:

(1) The affiliation, if any, between the viatical settlement provider and the issuer of the insurance policy to be acquired pursuant to a viatical settlement contract.

(2) The name, address, and telephone number of the viatical settlement provider.

(3) If a policy to be acquired pursuant to a viatical settlement contract has been issued as a joint policy or involves family riders or any coverage of a life other than the insured under the policy to be acquired pursuant to a viatical settlement contract, the viator must be informed of the possible loss of coverage on the other lives under the policy and must be advised to consult with his or her insurance producer or the insurer issuing the policy for advice on the proposed viatical settlement contract.

(4) The dollar amount of the current death benefit payable to the viatical settlement provider under the policy. If known, the viatical settlement provider also shall disclose the availability of additional guaranteed insurance benefits, the dollar amount of accidental death and dismemberment benefits under the policy or certificate, and the viatical settlement provider's interest in those benefits.

(5) The name, business address, and telephone number of the independent third party escrow agent, and the fact that the viator may inspect or receive copies of the relevant escrow or trust agreements or documents.

(c) If the viatical settlement provider transfers ownership or changes the beneficiary of the policy, the viatical settlement provider shall communicate the change in ownership or beneficiary to the insured within 20 days after the change.

Section 40. General rules.

(a) A viatical settlement provider entering into a viatical settlement contract shall first obtain:

(1) if the viator is the insured, a written statement from a licensed attending physician that the viator is of sound mind and under no constraint or undue influence to enter into a viatical settlement contract; and

(2) a document in which the insured consents to the release of his or her medical records to a viatical settlement provider or viatical settlement broker and, if the policy was issued less than 3 years from the date of application for a viatical settlement contract, to the insurance company that issued the policy.

(b) The insurer shall respond to a request for verification of coverage submitted by a viatical settlement provider or viatical settlement broker not later than 30 calendar days after the date the request is received. The request for verification of coverage must be made on a form approved by the Secretary and signed by the policyowner or certificate holder. The insurer shall complete and issue the verification of coverage or indicate in which respects it is unable to respond. In its response, the insurer shall indicate whether, based on the medical evidence and documents provided, the insurer intends to pursue an investigation at that time regarding the validity of the insurance contract or possible fraud.

(c) Before or at the time of execution of the viatical settlement contract, the viatical settlement provider shall obtain a witnessed document in which the viator consents to the viatical settlement contract, represents that the viator has a full and complete understanding of the viatical settlement contract and the benefits of the policy, acknowledges that the viator is entering into the viatical settlement contract freely and voluntarily, and, for persons with a terminal or chronic illness or condition, acknowledges that the insured has a terminal or chronic illness or condition and that the terminal or chronic illness or condition was diagnosed after the policy was issued.

(d) If a viatical settlement broker performs any of these activities required of the viatical settlement provider, the viatical settlement provider is deemed to have fulfilled the requirements of this Section.

(e) All medical information solicited or obtained by any licensee shall be subject to the requirements of Article XL of the Illinois Insurance Code.

(f) A viatical settlement contract entered into in this State shall provide the viator with an unconditional right to rescind the contract before the earlier of 30 calendar days after the date the viatical settlement contract is executed by all parties or 15 calendar days from the receipt of the viatical settlement proceeds by the viator. Rescission, if exercised by the viator, is effective only if both notice of the rescission is given and repayment of all proceeds and any premiums, loans, and loan interest to the viatical settlement provider is made within the rescission period. If the insured dies during the rescission period, the viatical settlement contract shall be deemed to have been rescinded, subject to repayment being made to the viatical settlement provider of all viatical settlement proceeds and any premiums, loans, and loan interest within 90 days after the death of the insured.

(g) The viatical settlement provider shall instruct the viator to send the executed documents required to effect the change in ownership, assignment, or change in beneficiary directly to the independent escrow agent. Within 3 business days after the date the escrow agent receives the documents, or within 3 days after the date the viatical settlement provider receives the documents if the viator erroneously provides the documents directly to the viatical settlement provider, the viatical settlement provider shall pay or transfer the proceeds of the viatical settlement contract into an escrow or trust account maintained in a State or federally chartered financial institution whose deposits are insured by the Federal Reserve System. Upon payment of the viatical settlement proceeds into the escrow account, the escrow agent shall deliver the original change in ownership, assignment, or change in beneficiary forms to the viatical settlement provider or related provider trust. Upon the escrow agent's receipt of the acknowledgment of the properly completed transfer of ownership, assignment, or designation of beneficiary from the insurance company, the escrow agent shall pay the viatical settlement proceeds to the viator.

(h) Failure to tender consideration to the viator for the viatical settlement by contract within the time disclosed pursuant to this Code renders the viatical settlement contract voidable by the viator for lack of consideration until the time consideration is tendered to and accepted by the viator.

(i) contact with the insured, for the purpose of determining the health status of the insured by the viatical settlement provider after the viatical settlement contract has been executed, may only be made by the licensed viatical settlement provider or its authorized representatives and is limited to once every 3 months for insureds with a life expectancy of more than one year, and not more than once each month for insureds with a life expectancy of one year or less. The viatical settlement provider shall explain the procedure for these contacts at the time the viatical settlement contract is entered into. The limitations provided for in this subsection (i) do not apply to a contact with an insured for reasons other than determining the insured's health status. A viatical settlement provider is responsible for the actions of its authorized representatives.

Section 45. Authority to adopt rules.

(a) The Secretary shall have the authority to do all the following:

(1) Issue rules implementing this Act.

(2) Establish standards for evaluating reasonableness of payments under a viatical settlement contract for a person who is terminally or chronically ill. This authority includes, but is not limited to, regulation of discount rates used to determine the amount paid in exchange for assignment, transfer, sale, devise, or bequest of a benefit under a policy. A viatical settlement provider, where the insured is not terminally or chronically ill, shall pay an amount greater than the cash surrender value or accelerated death benefit then available.

(3) Establish appropriate licensing requirements, fees, and standards for continued licensure for a viatical settlement provider and a fee for life insurance producers acting as viatical settlement brokers.

(4) Require a bond or other mechanism for financial accountability for a viatical settlement provider.

(5) Adopt rules governing the relationship and responsibilities of an insurer and a viatical settlement provider, viatical settlement broker, and others in the business of viatical settlements during the period of consideration or effectuation of a viatical settlement contract.

(b) Any rules adopted pursuant to the authority granted in the Viatical Settlements Act shall remain in effect until repealed or modified by rules adopted by the Secretary pursuant to this Act.

Section 50. Application.

(a) A viatical settlement provider lawfully transacting business in this State may continue to do so pending approval or disapproval of the viatical settlement provider's application for a license under this Act as long as the application is filed with the Secretary not later than 30 days after the effective date of this Act.

(b) A viatical settlement provider licensed in this State on or before the effective date of this Act may continue to transact business under that license, but must revise any licensing information at the time of the license renewal, if applicable. All viatical settlement contract forms and disclosure statement forms of the provider shall be deemed to be in continued force and effect, provided, however, that the forms shall be modified by the licensed viatical settlement provider to conform with the provisions of Section 35 of this Act within 90 days after the effective date of this Act.

(c) A person who has lawfully negotiated viatical settlement contracts between a viator and one or more viatical settlement providers in this State for at least one year immediately prior to the effective date of this

Act may continue to negotiate viatical settlements in this State for a period of 60 days after the effective date of this Act, at which time the person must either become a licensed life insurance producer permitted to act as a viatical settlement broker or cease negotiating viatical settlement contracts.

Section 55. Violations. It is a violation of this Act for a person to enter into a viatical settlement contract at any time prior to the application for or issuance of a policy which is the subject of a viatical settlement contract or for a 2-year period commencing with the date of issuance of the policy unless the viator certifies to the viatical settlement provider that one or more of the following conditions have been met within the 2-year period:

(1) The policy was issued upon the viator's exercise of conversion rights arising out of a group or individual policy, provided the total of the time covered under the conversion policy plus the time covered under the prior policy is at least 24 months. The time covered under a group policy must be calculated without regard to a change in insurance carriers, provided the coverage has been continuous and under the same group sponsorship.

(2) The viator submits independent evidence to the viatical settlement provider that one or more of the following conditions have been met within the 2-year period:

(A) the viator or insured is terminally or chronically ill; or

(B) the viator or insured disposes of his ownership interests in a closely held corporation, pursuant to the terms of a buyout or other similar agreement in effect at the time the insurance policy was initially issued.

Copies of the independent evidence described in paragraph (2) of this Section and documents required by this Act must be submitted to the insurer when the viatical settlement provider submits a request to the insurer for verification of coverage. The copies must be accompanied by a letter of attestation from the viatical settlement provider that the copies are true and correct copies of the documents received by the viatical settlement provider.

If the viatical settlement provider submits to the insurer a copy of independent evidence provided for in paragraph (2) of this Section when the viatical settlement provider submits a request to the insurer to effect the transfer of the policy to the viatical settlement provider, the copy is deemed to conclusively establish that the viatical settlement contract satisfies the requirements of this Section and the insurer shall respond timely to the request.

Section 60. Advertisements.

(a) The purpose of this Section is to provide a prospective viator with clear and unambiguous statements in the advertisement of a viatical settlement contract and to assure the clear, truthful, and adequate disclosure of the benefits, risks, limitations, and exclusions of a viatical settlement contract. This purpose is to be accomplished by the establishment of guidelines and standards of permissible and impermissible conduct in the advertising of a viatical settlement contract to assure that a product description is presented in a manner that prevents unfair, deceptive, or misleading advertising and is conducive to accurate presentation and description of a viatical settlement contract through the advertising media and material used by a licensee.

(b) This Section applies to an advertising of a viatical settlement contract or a related product or service intended for dissemination in this State, including Internet advertising viewed by a person located in this State. Where disclosure requirements are established pursuant to federal regulation, this Section must be interpreted so as to minimize or eliminate conflict with federal regulation wherever possible.

(c) Each viatical settlement licensee shall establish and at all times maintain a system of control over the content, form, and method of dissemination of an advertisement of its contracts, products, and services. An advertisement, regardless of who wrote, created, designed, or presented, is the responsibility of the licensee, as well as the individual who created or presented the advertisement. A system of control by the licensee must include regular routine notification at least once a year to agents and others authorized to disseminate advertisements of the requirements and procedures for approval before the use of an advertisement not furnished by the licensee.

(d) An advertisement must be truthful and not misleading in fact or by implication. The form and content of an advertisement of a viatical settlement contract must be sufficiently complete and clear so as to avoid deception. It shall not have the capacity or tendency to mislead or deceive. Whether an advertisement has the capacity or tendency to mislead or deceive shall be determined by the Secretary from the overall impression that the advertisement may be reasonably expected to create upon a person of average education or intelligence within the segment of the public to which it is directed.

(e) The information required to be disclosed pursuant to the provisions of this Section may not be minimized, rendered obscure, or presented in an ambiguous fashion or intermingled with the text of the

advertisement so as to be confusing or misleading.

(1) An advertisement may not omit material information or use words, phrases, statements, references, or illustrations if the omission or use has the capacity, tendency, or effect of misleading or deceiving the public as to the nature or extent of any benefit, loss covered, or State or federal tax consequence. The fact that the viatical settlement contract offered is made available for inspection before consummation of the sale, or an offer is made to refund the payment if the viator is not satisfied, or that the viatical settlement contract includes a "free look" period that satisfies or exceeds legal requirements does not remedy misleading statements.

(2) An advertisement may not use the name or title of a life insurance company or a life insurance policy unless the advertisement has been approved by the insurer.

(3) An advertisement may not state or imply that interest charged on an accelerated death benefit or a policy loan is unfair, inequitable, or in any manner an incorrect or improper practice.

(4) The words "free", "no cost", "without cost", "no additional cost", "at no extra cost", or words of similar import may not be used with respect to a benefit or service unless true. An advertisement may specify the charge for a benefit or service or may state that a charge is included in the payment or use other appropriate language.

(5) Any testimonial, appraisal, or analysis used in an advertisement must:

(A) be genuine;

(B) represent the current opinion of the author;

(C) be applicable to the viatical settlement contract, product, or service advertised, if any; and

(D) be accurately reproduced with sufficient completeness to avoid misleading or deceiving prospective viators as to the nature or scope of any testimonial, appraisal, analysis, or endorsement.

In using any testimonial, appraisal, or analysis, the viatical settlement licensee makes as its own all the statements contained in them, and the statements are subject to all the provisions of this Section.

If the individual making a testimonial, appraisal, analysis, or an endorsement has a financial interest in the viatical settlement provider or related entity as a stockholder, director, officer, employee, or otherwise or receives a benefit, directly or indirectly, other than required union scale wages, that fact must be disclosed prominently in the advertisement.

An advertisement may not state or imply that a viatical settlement contract, benefit, or service has been approved or endorsed by a group of individuals, society, association, or other organization, unless that is the fact and unless any relationship between an organization and the licensee is disclosed. If the entity making the endorsement or testimonial is owned, controlled, or managed by the licensee or receives payment or other consideration from the licensee for making an endorsement or testimonial, that fact must be disclosed in the advertisement.

If an endorsement refers to benefits received under a viatical settlement contract, all pertinent information must be retained for a period of 5 years after its use.

(f) An advertisement may not contain statistical information unless it accurately reflects recent and relevant facts. The source of all statistics used in an advertisement must be identified.

(g) An advertisement may not disparage insurers, viatical settlement providers, insurance producers, policies, services, or methods of marketing.

(h) The name of the viatical settlement licensee must be identified clearly in all advertisements about the licensee or its viatical settlement contract, products, or services, and if any specific viatical settlement contract is advertised, the viatical settlement contract must be identified either by form number or some other appropriate description. If an application is part of the advertisement, the name of the viatical settlement provider must be shown on the application.

(i) An advertisement shall not use a trade name, group designation, name of the parent company of a licensee, name of a particular division of the licensee, service mark, slogan, symbol, or other device or reference without disclosing the name of the licensee if the advertisement has the capacity or tendency to mislead or deceive as to the true identity of the licensee or to create the impression that a company other than the licensee has any responsibility for the financial obligation under a viatical settlement contract.

(j) An advertisement shall not use any combination of words, symbols, or physical materials that by their content, phraseology, shape, color, or other characteristics are so similar to a combination of words, symbols, or physical materials used by a government program or agency or otherwise appear to

be of such a nature that they tend to mislead prospective viators into believing that the solicitation is in some manner connected with a government program or agency.

(k) An advertisement may state that a licensee is licensed in the state where the advertisement appears, provided it does not exaggerate that fact or suggest or imply that the competing licensee may not be so licensed. The advertisement may ask the audience to consult the licensee's web site or contact that state's department of insurance to find out if that state requires licensing and, if so, whether the licensee or any other company is licensed.

(l) An advertisement may not create the impression that the viatical settlement provider, its financial condition or status, the payment of its claims, or the merits, desirability, or advisability of its viatical settlement contracts are recommended or endorsed by any government entity.

(m) The name of the actual licensee must be stated in all of its advertisements. An advertisement may not use a trade name, any group designation, name of any affiliate or controlling entity of the licensee, service mark, slogan, symbol, or other device in a manner that has the capacity or tendency to mislead or deceive as to the true identity of the actual licensee or create the false impression that an affiliate or controlling entity has any responsibility for the financial obligation of the licensee.

(n) An advertisement may not, directly or indirectly, create the impression that any division or agency of the State or of the United States government endorses, approves, or favors:

(1) a licensee or its business practices or methods of operation;

(2) the merits, desirability, or advisability of a viatical settlement contract;

(3) any viatical settlement contract; or

(4) any policy or life insurance company.

(o) If the advertiser emphasizes the speed with which the viatical settlement contract occurs, the advertising must disclose the average time frame from completed application to the date of offer and from acceptance of the offer to receipt of the funds by the viator.

(p) If the advertising emphasizes the dollar amounts available to viators, the advertising shall disclose the average purchase price as a percent of face value obtained by viators contracting with the licensee during the past 6 months.

(q) Certain viatical settlement advertisements are deemed false and misleading on their face and are prohibited. False and misleading viatical settlement advertisements include, but are not limited to, the following representations:

(1) "guaranteed", "fully secured", "100 percent secured", "fully insured", "secure", "safe", "backed by rated insurance companies", "backed by federal law", "backed by state law", "state guaranty funds", or similar representations;

(2) "no risk", "minimal risk", "low risk", "no speculation", "no fluctuation", or similar representations;

(3) "qualified or approved for individual retirement accounts (IRAs), Roth IRAs, 401(k) plans, simplified employee pensions (SEP), 403(b), Keogh plans, TSA, and other retirement account rollovers", "tax deferred", or similar representations;

(4) use of the word "guaranteed" to describe the fixed return, annual return, principal, earnings, profits, investment, or similar representations;

(5) "no sales charges or fees" or similar representations;

(6) "high yield", "superior return", "excellent return", "high return", "quick profit", or similar representations; and

(7) purported favorable representations or testimonials about the benefits of viatical settlement contracts or viatical settlement purchase agreements as an investment taken out of context from newspapers, trade papers, journals, radio and television programs, and all other forms of print and electronic media.

Section 65. Fraudulent viatical settlement acts.

(a) A person may not commit a fraudulent viatical settlement act.

(b) A person, knowingly or intentionally, may not interfere with the enforcement of the provisions of this Act or investigations of suspected or actual violations of this Act.

(c) A person in the business of viatical settlements may not knowingly or intentionally permit a person convicted of a felony involving dishonesty or breach of trust to participate in the business of viatical settlements.

(d) A viatical settlement contract and an application for a viatical settlement contract, regardless of the form of transmission, must contain the following statement or a substantially similar statement: "Any person who knowingly presents false information in an application for insurance or viatical settlement

contract is guilty of a crime and, upon conviction, may be subject to fines or confinement in prison or both.".

The lack of a statement as provided for in in this subsection (d) does not constitute a defense in any prosecution for a fraudulent viatical settlement act.

(e) A person engaged in the business of viatical settlements having knowledge or a reasonable belief that a fraudulent viatical settlement act is being, will be, or has been committed shall provide to the Secretary the information required by the Secretary in a manner prescribed by the Secretary.

Another person having knowledge or a reasonable belief that a fraudulent viatical settlement act is being, will be, or has been committed may provide to the Secretary the information required by the Secretary in a manner prescribed by the Secretary.

(f) Civil liability may not be imposed on and a cause of action may not arise from a person's furnishing information concerning suspected, anticipated, or completed fraudulent viatical settlement acts, or suspected or completed fraudulent insurance acts, if the information is provided to or received from:

(A) the Secretary or the Secretary's employees, agents, or representatives;

(B) federal, state, or local law enforcement or regulatory officials or their employees, agents, or representatives;

(C) a person involved in the prevention and detection of fraudulent viatical settlement acts or that person's agents, employees, or representatives;

(D) the National Association of Insurance Commissioners (NAIC), National Association of Securities Dealers (NASD), the North American Securities Administrators Association (NASAA), or their employees, agents, or representatives, or other regulatory body overseeing life insurance or viatical settlement contracts; or

(E) the insurer that issued the policy covering the life of the insured.

This subsection (f) does not apply to a statement made with actual malice. In an action brought against a person for filing a report or furnishing other information concerning a fraudulent viatical settlement act or a fraudulent insurance act, the party bringing the action shall plead specifically any allegation that this subsection (f) does not apply because the person filing the report or furnishing the information did so with actual malice.

A person identified in this subsection (f) is entitled to an award of attorney's fees and costs if he or she is the prevailing party in a civil cause of action for libel, slander, or another relevant tort arising out of activities in carrying out the provisions of this Act and the party bringing the action was not substantially justified in doing so. For purposes of this Section, a proceeding is "substantially justified" if it had a reasonable basis in law or fact at the time that it was initiated.

This Section does not abrogate or modify common law or statutory privileges or immunities enjoyed by a person described in this subsection (f).

This subsection (f) does not apply to a person's furnishing information concerning his own suspected, anticipated, or completed fraudulent viatical settlement acts or suspected, anticipated, or completed fraudulent insurance acts.

(g) The documents and evidence provided pursuant to subsection (f) of this Section or obtained by the Secretary in an investigation of suspected or actual fraudulent viatical settlement acts are privileged and confidential and are not a public record and are not subject to discovery or subpoena in a civil or criminal action.

The provisions of this subsection (g) do not prohibit release by the Secretary of documents and evidence obtained in an investigation of suspected or actual fraudulent viatical settlement acts:

(1) in administrative or judicial proceedings to enforce laws administered by the Secretary;

(2) to federal, state, or local law enforcement or regulatory agencies, to an organization established for the purpose of detecting and preventing fraudulent viatical settlement acts, or to the NAIC; or

(3) at the discretion of the Secretary, to a person in the business of viatical settlements that is aggrieved by a fraudulent viatical settlement act.

Release of documents and evidence as provided by this subsection (g) does not abrogate or modify the privilege granted in this subsection (g).

(h) This Act does not:

(1) preempt the authority or relieve the duty of other law enforcement or regulatory agencies to investigate, examine, and prosecute suspected violations of law;

(2) prevent or prohibit a person from disclosing voluntarily information concerning

fraudulent viatical settlement acts to a law enforcement or regulatory agency other than the Department of Financial and Professional Regulation; or

(3) limit the powers granted elsewhere by the laws of this State to the Secretary or an insurance fraud unit to investigate and examine possible violations of law and to take appropriate action against wrongdoers.

(i) A viatical settlement provider shall adopt anti-fraud initiatives reasonably calculated to detect, assist in the prosecution of, and prevent fraudulent viatical settlement acts. The Secretary may order or, if a licensee requests, may grant these modifications of the following required initiatives as necessary to ensure an effective anti-fraud program. The modifications may be more or less restrictive than the required initiatives so long as the modifications reasonably may be expected to accomplish the purpose of this Section. Anti-fraud initiatives include, but are not limited to:

(1) Fraud investigators, who may be a viatical settlement provider or employees or independent contractors of those viatical settlement providers.

(2) An anti-fraud plan that shall always be available to the Secretary. The anti-fraud plan must include, but is not limited to:

(A) a description of the procedures for detecting and investigating possible fraudulent viatical settlement acts and procedures for resolving material inconsistencies between medical records and insurance applications;

(B) a description of the procedures for reporting possible fraudulent viatical settlement acts to the Secretary;

(C) a description of the plan for anti-fraud education and training of underwriters and other personnel; and

(D) a chart outlining the organizational arrangement of the anti-fraud personnel who are responsible for the investigation and reporting of possible fraudulent viatical settlement acts and investigating unresolved material inconsistencies between medical records and insurance applications.

Anti-fraud plans submitted to the Secretary are privileged and confidential and are not a public record pursuant to the provisions of the Freedom of Information Act and are not subject to discovery or subpoena in a civil or criminal action.

Section 70. Additional penalties.

(a) In addition to the penalties and other enforcement provisions of this Act, if a person violates the provisions of this Act or any rule implementing this Act, the Secretary may seek an injunction in a court of competent jurisdiction and may apply for temporary and permanent orders as the Secretary determines are necessary to restrain the person from committing the violation.

(b) A person damaged by the acts of a person in violation of this Act may bring a civil action against the person committing the violation in a court of competent jurisdiction.

(c) The Secretary may issue a cease and desist order upon a person that violates any provision of this Act, any rule or order adopted by the Secretary, or any written agreement entered into with the Secretary.

(d) When the Secretary finds that an activity in violation of this Act presents an immediate danger to the public that requires an immediate final order, the Secretary may issue an emergency cease and desist order reciting with particularity the facts underlying the findings. The emergency cease and desist order is effective immediately upon service of a copy of the order on the respondent and remains effective for 90 days. If the Secretary begins nonemergency cease and desist proceedings, the emergency cease and desist order remains effective absent an order by a court of competent jurisdiction.

(e) In addition to the penalties and other enforcement provisions of this Act, a person who violates this Act is subject to civil penalties of up to $10,000 for each violation. Imposition of civil penalties is pursuant to an order of the Secretary. The Secretary's order may require a person found to be in violation of this Act to make restitution to a person aggrieved by violations of this Act.

(f) A person who violates a provision of this Act, upon conviction, must be ordered to pay restitution to a person aggrieved by the violation of this Act. Restitution must be ordered in addition to a fine or imprisonment and not instead of a fine or imprisonment.

(g) A person who violates a provision of this Act, upon conviction, must be sentenced based on the greater of the value of property, services, or other benefits wrongfully obtained or attempted to be obtained, or the aggregate economic loss suffered by any person as a result of the violation. A person convicted of theft of property through a viatical settlement transaction in which the value of viatical settlement contract:

(1) exceeds $500,000 is guilty of a Class 1 non-probationable felony;

(2) exceeds $100,000 but does not exceed $500,000 is guilty of a Class 1 felony;

(3) exceeds $10,000 but does not exceed $100,000 is guilty of a Class 2 felony; or

(4) exceeds $300 but does not exceed $10,000 is guilty of a Class 3 felony.

(h) A person convicted of a fraudulent viatical settlement act must be ordered to pay restitution to a person aggrieved by the fraudulent viatical settlement act. Restitution must be ordered in addition to a fine or imprisonment but not instead of a fine or imprisonment.

(i) In a prosecution provided under subsection (h) of this Section, the value of a viatical settlement contract within a 6-month period may be aggregated and the defendant charged accordingly in applying the provisions of subsection (g) of this Section. If 2 or more offenses are committed by the same person in 2 or more counties, the accused may be prosecuted in a county in which one of the offenses was committed for all of the offenses aggregated as provided by this Section. The statute of limitations does not begin to run until the insurance company or law enforcement agency is aware of the fraud, but the prosecution may not be commenced later than 7 years after the act has occurred.

Section 75. Unfair methods of competition or unfair and deceptive acts or practices. A violation of this Act is considered an unfair method of competition or unfair and deceptive act or practice pursuant to the provisions of Article XXVI of the Illinois Insurance Code and subject to the penalties contained in that Article.

Section 80. Illinois Securities Law of 1953. Nothing in this Act preempts or otherwise limits the provisions of the Illinois Securities Law of 1953, as amended, or any regulations, orders, policy statements, notices, bulletins, or other interpretations issued by or through the Secretary of State or his or her designee acting pursuant to the Illinois Securities Law of 1953, as amended. Compliance with the provisions of this Act does not constitute compliance with any applicable provision of the Illinois Securities Law of 1953, as amended, and any amendments thereto or any regulations, orders, policy statements, notices, bulletins, or other interpretations issued by or through the Secretary of State or his or her designee acting pursuant to the Illinois Securities Law of 1953, as amended.

(215 ILCS 158/Act rep.)

Section 900. The Viatical Settlements Act is repealed.

Section 905. The Freedom of Information Act is amended by changing Section 7 as follows:

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

Sec. 7. Exemptions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(viii) obstruct an ongoing criminal investigation.

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

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

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

(iii) court records that are public;

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

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

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

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

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

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including:

(i) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(ii) All trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to

enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ll) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

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

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

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

(pp) Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act, except to the extent authorized under that Article.

(qq) ~~(pp)~~ Defense budgets and petitions for certification of compensation and expenses for court

appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act. This subsection (qq) ~~(pp)~~ shall apply until the conclusion of the trial and appeal of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.

(rr) Information the disclosure of which is exempted under the Viatical and Life Settlements Act of 2006.

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

(Source: P.A. 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff. 8-21-03; 93-617, eff. 12-9-03; 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664, eff. 1-1-06; revised 8-29-05.)

Section 910. The Illinois Insurance Code is amended by changing Section 424 as follows:

(215 ILCS 5/424) (from Ch. 73, par. 1031)

Sec. 424. Unfair methods of competition and unfair or deceptive acts or practices defined. The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance:

(1) The commission by any person of any one or more of the acts defined or prohibited by Sections 134, 143.24c, 147, 148, 149, 151, 155.22, 155.22a, 236, 237, 364, and 469 of this Code.

(2) Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance.

(3) Making or permitting, in the case of insurance of the types enumerated in Classes 1, 2, and 3 of Section 4, any unfair discrimination between individuals or risks of the same class or of essentially the same hazard and expense element because of the race, color, religion, or national origin of such insurance risks or applicants. The application of this Article to the types of insurance enumerated in Class 1 of Section 4 shall in no way limit, reduce, or impair the protections and remedies already provided for by Sections 236 and 364 of this Code or any other provision of this Code.

(4) Engaging in any of the acts or practices defined in or prohibited by Sections 154.5 through 154.8 of this Code.

(5) Making or charging any rate for insurance against losses arising from the use or ownership of a motor vehicle which requires a higher premium of any person by reason of his physical handicap, race, color, religion, or national origin.

(6) Engaging in any of the acts or practices prohibited by the Viatical and Life Settlements Act of 2006.

(Source: P.A. 92-399, eff. 8-16-01; 92-651, eff. 7-11-02; 92-669, eff. 1-1-03.)

Section 915. The Illinois Securities Law of 1953 is amended by changing Section 2.1 and by adding Section 2.33 as follows:

(815 ILCS 5/2.1) (from Ch. 121 1/2, par. 137.2-1)

Sec. 2.1. Security. "Security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, viatical investment, investment fund share, face-amount certificate, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas or other mineral lease, right or royalty, any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities (including any interest therein or based on the value thereof), or any put, call, straddle, option, or privilege entered into, relating to foreign currency, or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not mean a mineral investment contract or a mineral deferred delivery contract; provided, however, the Department shall have the authority to regulate these contracts as hereinafter provided.

(Source: P.A. 92-308, eff. 1-1-02; 93-927, eff. 8-12-04.)

(815 ILCS 5/2.33 new)

Sec. 2.33. Viatical investment. "Viatical investment" means the contractual right to receive any portion of the death benefit or ownership of a life insurance policy or certificate for consideration that is less than the expected death benefit of the life insurance policy or certificate. "Viatical investment" does not include:

(1) any transaction between a viator and a viatical settlement provider, as defined in the Viatical and Life Settlements Act of 2006;

(2) any transfer of ownership or beneficial interest in a life insurance policy from a viatical settlement provider to another viatical settlement provider, as defined in the Viatical and Life Settlements Act of 2006,

or to any legal entity formed solely for the purpose of holding ownership or beneficial interest in a life insurance policy or policies;

(3) the bona fide assignment of a life insurance policy to a bank, savings bank, savings and loan association, credit union, or other licensed lending institution as collateral for a loan; or

(4) a policy loan by a life insurance company or the exercise of accelerated benefits pursuant to the terms of a life insurance policy issued in accordance with the Illinois Insurance Code.

Section 997. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999. Effective date. This Act takes effect upon becoming law.".

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

Representative Jenisch offered the following amendment and moved its adoption:

AMENDMENT NO. 3. Amend House Bill 5337, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 6, by replacing lines 12 through 30 with the following:

""Viatical settlement contract" means a written agreement that establishes the terms under which compensation or anything of value is paid, which compensation or anything of value is less than the expected death benefits of the policy, in return for the viator's assignment, transfer, sale, devise, or bequest of the death benefit or ownership of any portion of the policy. "Viatical settlement contract" includes any agreement under which the insured, viator, or policyholder or the designee of the insured, viator, or policyholder receives or is to receive consideration in exchange for the designation of or consent to assignment or transfer for the ownership or beneficiary interest in a policy regardless of the date that the consideration is provided to the person or the transfer or assignment occurs. "Viatical settlement contract" also includes any premium financing transaction or agreement collateral thereto that provides a guarantee of a policy's viatical settlement value. "Viatical settlement contract" does not include a policy loan by an insurer pursuant to the policy terms or a loan by a licensed lending institution that takes a collateral assignment of a policy solely as security for a loan and not as part of or in connection with an agreement guaranteeing a viatical settlement value.".

The foregoing motion prevailed and Amendment No. 3 was adopted.

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

HOUSE BILL 5429. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Reis offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 5429 by replacing everything after the enacting clause with the following:

"Section 5. The Public Community College Act is amended by adding Section 2-23 as follows:

(110 ILCS 805/2-23 new)

Sec. 2-23. Mobile response workforce training pilot program.

(a) From appropriations made for the purposes of this Section, the State Board shall implement and administer a mobile response workforce training pilot program at 3 community colleges to address the fact that businesses are struggling to recruit a qualified workforce because of the frequent emergence of new technologies in the workplace and subsequent skill set requirements. The program shall meet all of the following requirements:

(1) The program must be a collaborative model that integrates mobile workforce training with job creation and economic development.

(2) The program must provide participating businesses with on-site training activities and resources across all functions, including without limitation recruiting, assessing and training potential employees, developing and producing training materials, providing training facilities, and delivering customized services, with the long-term objective of maintaining business and industry in this State and attracting new businesses and industries to this State.

(3) The program must be operated for a period of 3 years.

The program is encouraged to use the highly successful Alabama Industrial Development Training program as a model for guidance and direction.

(b) The State Board is authorized to administer the mobile response workforce training pilot program in conjunction with current programs and grants and in cooperation with other State agencies.

(c) The State Board shall by rule establish the criteria to be used in selecting the community colleges that are to participate in the mobile response workforce training pilot program, standards for implementation of the program, and goals to be accomplished during the 3 years of program.

(d) On or before January 1, 2009, the State Board shall file with the Governor and the General Assembly a report on the progress of the mobile response workforce training pilot program.

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

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

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

HOUSE BILL 5244. Having been recalled on February 21, 2006, and held on the order of Second Reading, the same was again taken up.

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

Representative Kelly offered the following amendment and moved its adoption.

AMENDMENT NO. _3__. Amend House Bill 5244, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short Title. This Act may be cited as the I-Connect Computer Technology Act.

Section 5. Purpose. The General Assembly finds that in the modern, knowledge-based economy of the 21st century it is critical that all students have access to modern educational technology. The General Assembly further finds that universal access to portable computers has been found to increase student assessment test scores and encourage student and parent collaborations in learning. It is the duty of the State to provide new ways to equalize and advance educational opportunities for all students in public schools. In order to meet the goal of universal access to modern educational technology, the General Assembly finds it necessary to provide students in public schools with access to portable computers.

Section 10. Definitions. In this Act:

"Board" means the I-Connect Computer Technology Board.

"ISBE" means the Illinois State Board of Education.

"Low income student" means a pupil aged 3 to 17, inclusive, who is (i) from a family receiving public aid, (ii) living in an institution for neglected or delinquent children, (iii) being supported in a foster home with public funds, or (iv) eligible to receive free or reduced-price lunches.

"Program" means the I-Connect Computer Technology Program.

Section 15. I-Connect Computer Technology Program.

(a) The Board shall, in conjunction with the Illinois State Board of Education, establish and implement the I-Connect Computer Technology Program, which must meet all of the following standards:

(1) Beginning with the 2006-2007 school year and each school year thereafter, each student entering 7th grade who attends a public school meeting the criteria established in Sections 22 and 23 of this Act shall receive a portable computer. Additionally, each teacher teaching 7th grade students in a classroom at a public school shall receive a portable computer. Portable computers shall be delivered to each school district and shall become the property of the school district. School districts are responsible for distributing the computers to students and for establishing rules for student use of the computers. Each portable computer must include software and other learning technologies capable of being used in a classroom environment.

(2) Each school taking part in the I-Connect Computer Technology Program shall receive teacher technology training and professional development. Teachers that take part in technology training courses, seminars, or other related courses of instruction may credit that time towards their continuing professional development requirement, pursuant to Sections 21-2 and 21-14 of the School Code.

Professional development provided in accordance with this Act must be sufficient to ensure optimal use of software and other learning technologies associated with using portable computers.

(3) A statewide or regional plan for external and internal network and technical support must be created to allow for contracts for technical support with private businesses, governmental entities, colleges or universities, or not-for-profit corporations.

(4) A set-aside funding mechanism must be established to cover the costs of replacement portable computers and parts. Nothing in this Section shall preclude a contract with a vendor that places the financial duty on the vendor to cover those costs in part or in whole.

(b) ISBE is authorized to enter into contracts and memorandums of understanding with private parties and other State agencies to carry out its functions under this Act. ISBE shall cooperate with each Regional Office of Education in establishing a competitive procurement process for the selection of vendors for the purchase of portable computers and related technical support and professional development for program recipients.

Section 20. I-Connect Computer Technology Board.

(a) There is created the I-Connect Computer Technology Board. The Board shall be comprised of 11 members as follows: the Lieutenant Governor as Chair; 5 members appointed by the Governor; one member appointed by the President of the Senate, one member appointed by the Minority Leader of the Senate, one member appointed by the Speaker of the House of Representatives, and one member appointed by the Minority Leader of the House of Representatives; and the State Superintendent of Education or his or her designee.

(b) Each of the Governor's appointees must have a background in at least one of the following areas:

(1) computer technical support;

(2) education administration at the grade K through 12 level;

(3) teaching 6th through 12th grade students;

(4) community outreach;

(5) the Illinois Century Network or other means of accessing the internet in schools; or

(6) working with a Regional Office of Education.

(c) All members shall serve 4-year terms, except that members appointed to fill a vacancy shall serve for the remainder of the vacated term. Vacancies shall be filled in the same manner as the initial appointment.

(d) Board members shall receive no compensation other than reimbursement for necessary travel expenses, which shall be reimbursed by the Office of the Lieutenant Governor.

Section 22. Program participants.

(a) Subject to appropriation, participation for each school year shall be limited to (i) no more than 2 public schools in each Regional Office of Education region, (ii) no more than 30 public schools in non-Chicago Cook County, and (iii) no more than 30 public schools in Chicago. Nothing in this Section shall be construed to limit the number of schools that may apply for the Program.

(b) Priority shall be given to those schools where at least 40% of the students are low income students, as defined in Section 10 of this Act.

(c) All participating schools must comply with requests from ISBE and the Board for information relating to the annual report requirement of Section 25 of this Act.

(d) All participating schools shall designate at least one teacher or administrator who shall have the primary responsibility for ensuring that computers are being used and maintained.

Section 23. Application.

(a) After a majority of members of the Board are appointed, an application shall be developed by the Board and mailed to the principal of every public school in Illinois that educates 7th grade students.

(b) The application shall, at a minimum, contain all of the following:

(1) A deadline for returning the application for entrance into the Program.

(2) An inquiry into the adequacy of the school's infrastructure to manage the computers.

(3) A requirement to provide the name of the school coordinator required under Section 22 of this Act.

(4) A requirement to provide the number of 7th graders anticipated for the attendance center for the school year in which the portable computers would be delivered.

Section 25. Annual Report. By no later than October 1st of each year, the Board, in conjunction with ISBE, shall submit an annual report to the Governor and the members of the General Assembly on the progress of the I-Connect Computer Technology Program. The report must include, at a minimum, all of

the following:

(1) The number of students receiving portable computers.

(2) An accounting of all State, local, and federal funds used to implement the Program.

(3) A projection for the cost of implementing the Program in the next school year.

(4) If available, the identification of software included on computers provided under the Program.

(5) The academic progress of the students using the computers.

(6) If available, a comparison of academic progress between those students using the computers in a specific curriculum and those who are not.

(7) If available, the quality and quantity of increased student proficiency with technology.

(8) If available, teacher involvement and performance.

(9) Of those students taking the computer home, the number of households in which persons other than the student use the computer.

(10) Recommendations for Program improvement.

Section 30. I-Connect Computer Technology Fund.

(a) The I-Connect Computer Technology Fund is created as a special fund in the State treasury. All funds deposited into the I-Connect Computer Technology Fund shall be used, subject to appropriation, for the purposes of this Act.

(b) Any funds appropriated by the General Assembly for the purposes of the I-Connect Computer Technology Program, as well as any gift, grant, or donation of any kind given for the I-Connect Computer Technology Program from any source, including from a foundation, private entity, governmental entity, or institution of higher education, may be used to implement the I-Connect Computer Technology Program.

Section 35. Local authority. It is the sole duty of school districts, school administrators, and school teachers to make decisions relating to the use of portable computers provided under this Act, including determining: (i) standards for allowing students to take computers off school property; (ii) the courses or curriculums best suited for the computers; and (iii) the use of particular software or learning technologies.

Section 40. Rules. ISBE shall adopt rules to implement and administer this Act.

Section 90. The State Finance Act is amended by adding Section 5.663 as follows:

(30 ILCS 105/5.663 new)

Sec. 5.663. The I-Connect Computer Technology Fund.

Section 98. The State Mandates Act is amended by adding Section 8.30 as follows:

(30 ILCS 805/8.30 new)

Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

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

The foregoing motion prevailed and Amendment No. 3 was adopted.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

HOUSE BILL 4342. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Housing and Urban Development, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 4342 on page 1, lines 19 and 20, by replacing "standards of the applicable city fire department or fire protection district." with the following:

"standards of a municipal ordinance or a fire protection district ordinance. A person who knowingly rents or offers for rent a mobile home more than 10 days after the receipt of a written notice from the municipality or fire protection district that states that the mobile home is in violation of the ordinance that establishes fire protection standards, without correcting the violation, is guilty of a business offense. The penalty is a fine of not more than $1,000 per day of violation.".

Representative Jefferson offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4342, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Mobile Home Park Act is amended by adding Section 9.15 as follows:

(210 ILCS 115/9.15 new)

Sec. 9.15. Fire safety. Adequate private water supply systems and hydrants for fire safety purposes shall be maintained in operable condition and good repair as defined by the Department of Public Health or mobile home park licensing agency. A mobile home park that does not have a private water supply system and hydrants shall have an agreement, approved by the Department of Public Health or licensing agency in consultation with the municipal fire department or the local fire protection district, to provide an adequate and reliable water supply for fire mitigation needs.

Each mobile home park shall be inspected annually pursuant to the applicable mobile home park fire protection standards by the municipal fire department or fire protection district that has jurisdictional responsibility for responding to a fire call in that park. As used in this Section, "applicable mobile home park fire protection standards" means (i) the fire protection standards ordinance of the municipality or fire protection district that has jurisdictional responsibility for responding to a fire call in that park or (ii) if there is no ordinance, the rules adopted by the Department of Public Health for fire safety in mobile home parks. If, upon inspection, the municipal fire department or fire protection district finds that a park does not meet the applicable fire protection standards, the municipal fire department or fire protection district shall give a written notice of violation to the licensee and to the Department of Public Health of any violation or required modification or repair. The licensee has 14 days after receipt of the written notice to correct the violation or make the required modification or repair. More than 14 days after the licensee's receipt of the notice, but no later than 21 days after the receipt of the notice, the municipal fire department or fire protection district shall reinspect the park and issue a written reinspection report to the licensee and to the Department of Public Health concerning the status of the licensee's compliance with the notice and whether any violation still exists. If the municipal fire department or fire protection district determines on reinspection that a licensee has made a good faith and substantial effort to comply with the notice but that compliance is not complete, the municipal fire department or fire protection district may grant the licensee an extension of time for compliance, as they deem fit, by a written notice of extension of time for compliance that identifies what remains to be corrected, modified, or repaired and a date by which compliance must be achieved. If an extension is granted, the municipal fire department or fire protection district shall make another inspection within 10 days after the date set for compliance and issue a final written report to the licensee and the Department of Public Health concerning the status of the licensee's compliance with the notice, written report, and written notice of extension of time for compliance and whether a violation still exists. If a licensee fails to cure the violation or comply with the requirements stated in the notice of violation, or if a written notice of extension of time for compliance is issued and the final written report states that a violation still exists, the municipal fire department or fire protection district shall notify the appropriate municipal attorney or State's Attorney of the licensee's failure to comply with the notice of violation and the written report and shall deliver to that attorney for purposes of enforcement under this Section copies of all written notices and reports concerning the violation.

A licensee may not rent or offer for rent any mobile home or mobile home lot if the park in which the mobile home or mobile home lot is located does not meet the applicable fire protection standards for a mobile home park. A licensee who knowingly rents or offers for rent a mobile home or mobile home lot more than 14 days after the receipt of a written notice of violation from a municipal fire department or fire protection district that states that the mobile home park in which the mobile home or mobile home lot is located is in violation of the applicable fire protection standards ordinance or Department of Public Health rules without correcting the violation is guilty of a petty offense. The penalty is a fine of not more than $500 per day of violation. The first day of violation for purposes of assessing a fine shall be the date of the licensee's receipt of the written report following the reinspection, if the written report states that a violation still exists. If a written notice of extension of time for compliance is issued and the final written report states that a violation still exists, the first day of violation for purposes of assessing a fine shall be the date of the licensee's receipt of the final written report.

A home rule unit may not regulate the legal rights, remedies, and obligations of a licensee under this Section in a manner less restrictive than the regulation by the State of fire safety in a mobile home park under this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and function exercised by the State.".

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

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

HOUSE BILL 4703. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Chapa LaVia offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 4703 on page 2, line 5, before "violates", by inserting "wilfully"; and
on page 2, line 6, by changing "$10,000" to "$1,000"; and
on page 3, line 33, by changing "$10,000" to "$1,000"; and
on page 5, line 24, before "violates", by inserting "wilfully"; and
on page 5, line 25, by changing "$10,000" to "$1,000"; and
on page 8, lines 4 and 32, by changing "$10,000" each time it appears to "$1,000"; and
on page 11, line 5, by changing "$10,000" to "$1,000".

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

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

HOUSE BILL 4715. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Housing and Urban Development, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 4715 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Safe Homes Act.

Section 5. Findings. The General Assembly finds and declares the following:

(1) Domestic and sexual violence affect many persons without regard to age, race, education, socioeconomic status, religion, or occupation.

(2) Domestic and sexual violence have a devastating effect on individuals, families, and communities.

(3) Domestic violence crimes account for approximately 15% of total crime costs in the United States each year.

(4) Violence against women has been reported to be the leading cause of physical injury to women. This violence has a devastating impact on women's physical and emotional health.

(5) According to recent government surveys, from 1993 through 1998 the average annual number of violent victimizations committed by intimate partners of the victim was 1,082,110 and 87% of those were committed against women.

(6) Female murder victims were substantially more likely than male murder victims to have been killed by an intimate partner. About one-third of female murder victims, and about 4% of male murder victims, were killed by an intimate partner.

(7) According to the Department of Justice, women living in rental housing experience intimate partner violence at 3 times the rate of women who own their homes.

(8) According to recent government estimates, approximately 987,400 rapes occur annually in the United States and 89% of the rapes are perpetrated against female victims.

(9) One out of every 7 adult women, or more than 670,000 in Illinois, has been the victim of a forcible rape sometime in her lifetime.

(10) In a survey of 600 women and men ages 16-24, 60% of the respondents stated that they know a woman who has been sexually assaulted.

(11) Eighty percent of women who are raped are raped by acquaintances.

(12) Approximately 10,200,000 people have been stalked at some time in their lives. Four out of every 5 stalking victims are women. Stalkers harass and terrorize their victims by spying on the victims, standing outside their homes or work places, making unwanted phone calls, sending or leaving unwanted letters or items, or vandalizing property.

(13) Too often, victims of domestic and sexual violence suffer not only physical and emotional abuse, but also the devastation of being displaced from their homes because of violence.

(14) The loss of a victim's home can, in turn, result in the loss of employment, public benefits, and even the custody of children.

(15) The problem is compounded by the fact that victims of domestic and sexual violence are discriminated against when attempting to access safe housing, make their current housing more safe, or flee existing housing. Additionally, victims of domestic and sexual violence are often evicted because of the abuse that they have suffered.

(16) There is a strong link between domestic violence and homelessness. Among cities surveyed, 44% identified domestic violence as a primary cause of homelessness.

(17) Ninety-two percent of homeless women have experienced severe physical or sexual abuse at some point in their lives. Of all homeless women and children, 60% had been abused by age 12, and 63% have been victims of intimate partner violence as adults.

(18) Women who leave their abusers frequently lack adequate emergency shelter options and this makes their decisions concerning leaving their dwelling places more difficult.

(19) Victims of domestic violence often return to abusive partners because they cannot find long-term housing.

(20) Because abusers frequently manipulate their victims' finances in an effort to control their partners, victims often lack a steady income, a credit history, landlord references, and a current address, all of which are necessary to obtain long-term permanent housing.

(21) Abusers also frequently manipulate the systems in place meant to protect victims, by accusing the victim of initiating the violence, calling the police, or attempting to obtain an order for protection. Victims who attempt to defend themselves or others from an abuser's violence are particularly vulnerable to this practice.

(22) Victims of domestic and sexual violence in rural areas face additional barriers, challenges, and unique circumstances, such as geographic isolation, poverty, lack of public transportation systems, shortage of health care providers, and decreased access to safe housing resources.

(23) The U.S. Congress has recognized the severity of this problem. In its Conference report accompanying the FY 2002 HUD appropriations bill, Congress urged HUD to "develop plans to protect victims of domestic violence from being discriminated against in receiving or maintaining public housing because of their victimization." H.R. REP. No. 107-272, at 120 (2001).

Section 10. Purposes. The purposes of this Act are:

(1) To promote the State's interest in reducing domestic violence, dating violence, sexual assault, and stalking by enabling victims of domestic or sexual violence and their families to access or maintain safe housing or flee existing dangerous housing in order to leave violent or abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences to the State and victims.

(2) To address the failure of existing laws to protect the housing rights of victims of domestic or sexual violence, as well as family or household members affected by the violence.

(3) To accomplish the purposes described in paragraphs (1) and (2) by providing victims of domestic or sexual violence and their families with options to access or maintain safe housing or to flee dangerous housing.

Section 15. Definitions. For the purposes of this Act:

"Domestic violence" means abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986.

"Landlord" and "tenant" have the definitions stated in Section 1.1 of the Rental Property Utility Service Act, except for those tenants residing in public housing.

"Perpetrator" means an individual who commits or is alleged to have committed or threatened any act of domestic or sexual violence.

"Protected applicant" means a person who makes application to the landlord of a building or mobile home to become an occupant in the building or mobile home, whether under a lease or periodic tenancy, who has been subjected to any act or threat of domestic or sexual violence. A perpetrator is not considered

a protected applicant.

"Protected household member" means any member of a household who has been subjected to any act or threat of domestic or sexual violence, including but not limited to: any minor child, any dependant adult, and any other person residing with a victim of domestic or sexual violence. A perpetrator is not considered a protected household member. This definition does not apply to public housing.

"Protected tenant" means an occupant of a building or mobile home, whether under a lease or periodic tenancy, who has been subjected to any act or threat of domestic or sexual violence, including but not limited to a tenant residing with a victim of domestic or sexual violence. A perpetrator is not considered a protected tenant. This definition does not apply to public housing.

"Sexual violence" means any act or threat of sexual assault, abuse, or stalking of an adult or minor child including, but not limited to, non-consensual sexual conduct or non-consensual sexual penetration as defined in the Civil No Contact Order Act and the offenses of stalking, aggravated stalking, cyberstalking, criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, and aggravated criminal sexual abuse as these offenses are described in the Criminal Code of 1961, including sexual violence committed by perpetrators who are strangers to the victim and sexual violence committed by perpetrators who are known or related by blood, marriage, or law to the victim.

"Victim" means an individual who has been subjected to any act or threat of domestic or sexual violence. A perpetrator is not considered a victim.

Section 18. Definitions concerning public housing only. For the purposes of this Act when referencing public housing:

"Public housing" means low-income housing, and all necessary appurtenances thereto, assisted under the United States Housing Act of 1937, 42 U.S.C. 1437a and includes dwelling units in mixed finance projects that are assisted by a public housing agency with capital or operating assistance.

"Protected public housing tenant" means an authorized person whose name is included on the lease for the public housing unit.

"Unauthorized occupant" means an individual who is not authorized to reside in public housing or who is not on the lease for the public housing unit as those terms and conditions are set forth by the United States Housing Act of 1937, 42 U.S.C. 1437a, federal regulations governing the program, and the public housing authority's general admissions and occupancy policies.

Section 20. Victim protection; nondiscrimination. A landlord shall not terminate a tenancy, fail to renew a tenancy, refuse to enter into a rental agreement, retaliate, or otherwise interfere in the rental of a dwelling based on: (i) the status as a victim of domestic violence or sexual violence of a protected tenant, protected public housing tenant, protected applicant, or protected household member; or (ii) the termination of a rental agreement under Section 30 by a protected tenant, protected public housing tenant, protected tenant, or protected applicant. Evidence provided to the landlord of domestic violence or sexual violence may include any one of the following:

(1) a statement of the protected tenant, protected public housing tenant, protected applicant, or protected household member;

(2) a statement from a person other than the protected tenant, protected public housing tenant, protected applicant, or protected household member who has knowledge of the resident's history as a victim of domestic or sexual violence;

(3) a statement from an employee or volunteer of a victim services, domestic violence, or rape crisis organization from whom the protected tenant, protected public housing tenant, protected applicant, or protected household member has sought services and who has knowledge of the resident's history as a victim of domestic or sexual violence;

(4) a statement from an attorney, medical professional, member of the clergy, or other professional from whom the protected tenant, protected public housing tenant, protected applicant, or protected household member has sought assistance in addressing domestic or sexual violence;

(5) court, police, medical, or other corroborating evidence of domestic or sexual violence; or

(6) any other evidence of domestic or sexual violence.

Section 25. Victim protection; change of locks and right to possession.

(a) If the perpetrator of domestic violence or sexual violence is not a leaseholder in the same dwelling unit as the victim, a protected tenant or protected public housing tenant of the dwelling unit may give oral or written notice to the landlord that a protected household member is a victim of domestic violence or sexual violence and may request that the locks to the dwelling unit be changed. The landlord shall not consider this notice evidence of a lease violation. A protected tenant or protected public housing tenant is

not required to provide documentation of the domestic violence or sexual violence to initiate the changing of the locks pursuant to this subsection. A landlord who receives a request under this subsection shall, within 48 hours, change the locks to the protected tenant or protected public housing tenant's dwelling unit or give the protected tenant or protected public housing tenant permission to change the locks within 48 hours or such lesser time as required by a court order.

(b) If the perpetrator of the domestic violence or sexual violence is a leaseholder in the same dwelling unit as the victim, a protected tenant or protected public housing tenant of the dwelling unit may give oral or written notice to the landlord that a protected household member is a victim of domestic or sexual violence and may request that the locks to the dwelling unit be changed. In these circumstances, the following shall apply:

(1) Before the landlord, protected tenant, or protected public housing tenant changes the locks under this subsection, the landlord shall require a copy of an order issued by a court, including but not limited to an Order of Protection pursuant to the Illinois Domestic Violence Act of 1986 or Article 112A of the Code of Criminal Procedure of 1963.

(2) Unless a court order allows the perpetrator to return to the dwelling unit to retrieve personal belongings, the landlord has no duty under the rental agreement or by law to allow the perpetrator access to the dwelling unit, to provide keys to the perpetrator, or to provide the perpetrator access to the perpetrator's personal property within the dwelling unit once the landlord has been provided with a court order. If a landlord complies with this Section, the landlord is not liable for civil damages to a perpetrator excluded from the dwelling unit for loss of use of the dwelling unit or loss of use or damage to the perpetrator's personal property.

(3) The perpetrator who has been excluded from the dwelling unit under this subsection remains liable under the lease with any other tenant of the dwelling unit for rent or damages to the dwelling unit.

(4) A landlord who receives a request under this subsection shall, within 72 hours or such lesser time as required by a court order, change the locks to the dwelling unit or give the protected tenant or protected public housing tenant permission to change the locks.

(c) If the landlord charges a fee for the expense of changing the locks, that fee must not exceed the reasonable price customarily charged for the repair.

(d) If a landlord fails to act within the required time pursuant to subsection (a) or (b), the protected tenant or protected public housing tenant may change the locks without the landlord's permission. If the protected tenant or protected public housing tenant changes the locks, the protected tenant or protected public housing tenant shall give a key to the new locks to the landlord within 48 hours of the locks being changed.

Section 30. Early termination of rental agreement by victims of domestic violence or sexual violence.

(a) Any protected tenant or protected public housing tenant who is a victim of domestic or sexual violence or whose dwelling unit contains protected household members who are victims of domestic or sexual violence may terminate his or her rental agreement for a dwelling unit if necessary to protect their physical or emotional safety and well-being by providing the landlord with a written notice of termination to be effective on a date stated in the notice that is at least 30 days after the landlord's receipt of the notice. The notice to the landlord shall be accompanied by any one of the types of evidence of domestic or sexual violence presented by the protected tenant or protected public housing tenant, as set forth in Section 20. For this Section only, the landlord may request that the protected tenant or protected public housing tenant limit the evidence provided to any one of the documents or statements described in paragraph (3), (4), or (5) of Section 20.

(b) Upon termination of a rental agreement under this Section, if the perpetrator is not a tenant in the same dwelling unit, the protected tenant or protected public housing tenant who is released from a rental agreement pursuant to subsection (a) of this Section is liable for the rent due under the rental agreement prorated to the effective date of the termination and payable at the time that would have been required by the terms of the rental agreement. If the perpetrator is a leaseholder in the same dwelling unit, the perpetrator is liable to the protected tenant or protected public housing tenant for all of the unpaid rent or other sums owed to the landlord before and after the lease was terminated by the protected tenant or protected public housing tenant. At his or her discretion, the landlord may hold either or both parties liable for the unpaid rent or other sums owed under the rental agreement to the landlord. However, the perpetrator is liable for all charges related to property damage caused by the domestic or sexual violence. If, pursuant to this Section, an applicant terminates the rental agreement 14 days or more before occupancy, the applicant is not subject to any damages or penalties.

(c) Notwithstanding the release of a protected tenant or protected public housing tenant from a rental agreement under subsection (a) of this Section, or the exclusion of a perpetrator of domestic or sexual violence by court order if the perpetrator is a tenant in the same dwelling unit, if there are any remaining tenants residing in the dwelling unit, the tenancy shall continue for those tenants. The perpetrator who is a tenant in the same dwelling unit remains liable under the lease with any other tenant of the dwelling unit for rent or damages to the dwelling unit.

Section 35. Right of possession to non-leaseholder victim of domestic or sexual violence. If the perpetrator of the domestic violence or sexual violence is a tenant in the same dwelling unit as the victim and has possession of the dwelling unit, any adult or emancipated protected household member of that dwelling unit may give oral or written notice to the landlord that a protected household member is a victim of domestic or sexual violence and request that the protected household member be given possession of the dwelling unit and become the primary leaseholder. The landlord shall require that the protected household member provide the landlord with a copy of an order issued by a court, including but not limited to an Order of Protection pursuant to the Illinois Domestic Violence Act of 1986 or Article 112A of the Code of Criminal Procedure of 1963. As long as the landlord complies with Section 20 and is provided with a court order, it is within the landlord's discretion to enter into a rental agreement with the remaining adult or emancipated household members. If a landlord complies with this Section, the landlord is not liable for civil damages to a perpetrator excluded from the dwelling unit for loss of possession, the use of the dwelling unit, or loss of use or damage to the perpetrator's personal property. Public housing authorities as defined by Section 18 are specifically exempted from this Section.

Section 40. Right to vacate following domestic or sexual violence.

(a) A protected tenant or protected public housing tenant may terminate her or his rights and obligations under a lease and may vacate the dwelling unit and avoid liability for future rent and any other sums due under the lease for terminating the lease and vacating the dwelling unit before the end of the lease term, if the protected tenant or protected public housing tenant complies with subsection (a) of Section 30 and provides the landlord or the landlord's agent with notice that the protected tenant, protected public housing tenant, or a protected household member is the victim of domestic or sexual violence and that in order to maintain her or his physical or emotional safety and well-being, she or he must vacate the dwelling.

(b) A protected tenant or protected public housing tenant may exercise the right to terminate the lease under subsection (a) of Section 30, and vacate the dwelling before the end of the lease term, beginning on the date after all of the following events have occurred:

(1) the protected tenant or protected public housing tenant has delivered a copy of the notice to the landlord; and

(2) the protected tenant or protected public housing tenant has vacated the dwelling unit.

(c) If the perpetrator was not a tenant in the same dwelling unit as the protected tenant or protected public housing tenant, this Section does not affect the liability of a protected tenant or protected public housing tenant for unpaid rent owed to the landlord before the lease was terminated by the protected tenant or protected public housing tenant under this Section. The perpetrator, however, shall be liable for all charges related to property damage caused by the domestic or sexual violence.

(d) If the perpetrator is a tenant in the same dwelling unit as the protected tenant or protected public housing tenant, the perpetrator is liable to the protected tenant or protected public housing tenant for all unpaid rent or other sums owed to the landlord before and after the lease was terminated by the protected tenant or protected public housing tenant. At his or her discretion, the landlord may hold either or both parties liable for the unpaid rent or other sums owed under the rental agreement. The perpetrator shall also be liable for all charges related to property damage caused by the domestic or sexual violence.

(e) A landlord who is found by a court to have violated this Act is liable to the protected tenant or protected public housing tenant for actual damages, an additional amount equal to the amount of one month's rent plus $500, and the tenant's attorney's fees.

Section 45. Unauthorized occupants in public housing. Unless the victim of domestic or sexual violence is a protected public housing tenant, the housing authority has no obligation to provide any of the remedies as stated above. Unauthorized occupants are not considered protected public housing tenants.

Section 50. Enforceability. In addition to any other remedies provided in this Act or under other laws, any protected household member, protected tenant, protected public housing tenant, or victim adversely affected by an act or omission of the landlord that violates this Act may file an action against the landlord in the circuit court. If the court finds that a violation of this Act occurred or is about to occur by an act or omission of the landlord, the court may award to the plaintiff actual damages, reasonable attorney's fees,

and costs and may grant as relief, as the court deems appropriate, any permanent or preliminary injunction, temporary restraining order, or other order, including an order enjoining the landlord from engaging in violations of this Act or ordering such affirmative action as may be appropriate.

Section 55. Effect on other laws.

(a) More protective laws. Nothing in this Act shall be construed to supersede any provision of any federal, State, or local law that provides greater protections for victims of domestic or sexual violence than the rights established under this Act.

(b) Less protective laws. The rights established for victims of domestic or sexual violence under this Act shall not be diminished by any State or local law.

Section 60. Prohibition on Waiver or Modification. Sections 5, 10, 15, 20, 25, 30, 35, 40, 50, and 55 may not be waived or modified by an agreement of the parties.

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

Representative Kelly offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4715, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Safe Homes Act.

Section 5. Findings. The General Assembly finds and declares the following:

(1) Domestic and sexual violence affect many persons without regard to age, race, education, socioeconomic status, religion, or occupation.

(2) Domestic and sexual violence have a devastating effect on individuals, families, and communities.

(3) Domestic violence crimes account for approximately 15% of total crime costs in the United States each year.

(4) Violence against women has been reported to be the leading cause of physical injury to women. This violence has a devastating impact on women's physical and emotional health.

(5) According to recent government surveys, from 1993 through 1998 the average annual number of violent victimizations committed by intimate partners of the victim was 1,082,110 and 87% of those were committed against women.

(6) Female murder victims were substantially more likely than male murder victims to have been killed by an intimate partner. About one-third of female murder victims, and about 4% of male murder victims, were killed by an intimate partner.

(7) According to the Department of Justice, women living in rental housing experience intimate partner violence at 3 times the rate of women who own their homes.

(8) According to recent government estimates, approximately 987,400 rapes occur annually in the United States and 89% of the rapes are perpetrated against female victims.

(9) One out of every 7 adult women, or more than 670,000 in Illinois, has been the victim of a forcible rape sometime in her lifetime.

(10) In a survey of 600 women and men ages 16-24, 60% of the respondents stated that they know a woman who has been sexually assaulted.

(11) Eighty percent of women who are raped are raped by acquaintances.

(12) Approximately 10,200,000 people have been stalked at some time in their lives. Four out of every 5 stalking victims are women. Stalkers harass and terrorize their victims by spying on the victims, standing outside their homes or work places, making unwanted phone calls, sending or leaving unwanted letters or items, or vandalizing property.

(13) Too often, victims of domestic and sexual violence suffer not only physical and emotional abuse, but also the devastation of being displaced from their homes because of violence.

(14) The loss of a victim's home can, in turn, result in the loss of employment, public benefits, and even the custody of children.

(15) The problem is compounded by the fact that victims of domestic and sexual violence are discriminated against when attempting to access safe housing, make their current housing more safe, or flee existing housing. Additionally, victims of domestic and sexual violence are often evicted because of the abuse that they have suffered.

(16) There is a strong link between domestic violence and homelessness. Among cities surveyed, 50% identified domestic violence as a primary cause of homelessness.

(17) Ninety-two percent of homeless women have experienced severe physical or sexual

abuse at some point in their lives. Of all homeless women and children, 60% had been abused by age 12, and 63% have been victims of intimate partner violence as adults.

(18) Women who leave their abusers frequently lack adequate emergency shelter options and this makes their decisions concerning leaving their dwelling places more difficult.

(19) Victims of domestic violence often return to abusive partners because they cannot find long-term housing.

(20) Because abusers frequently manipulate their victims' finances in an effort to control their partners, victims often lack a steady income, a credit history, landlord references, and a current address, all of which are necessary to obtain long-term permanent housing.

(21) Abusers also frequently manipulate the systems in place meant to protect victims, by accusing the victim of initiating the violence, calling the police, or attempting to obtain an order for protection. Victims who attempt to defend themselves or others from an abuser's violence are particularly vulnerable to this practice.

(22) Victims of domestic and sexual violence in rural areas face additional barriers, challenges, and unique circumstances, such as geographic isolation, poverty, lack of public transportation systems, shortage of health care providers, and decreased access to safe housing resources.

Section 10. Purposes. The purposes of this Act are:

(1) To promote the State's interest in reducing domestic violence, dating violence, sexual assault, and stalking by enabling victims of domestic or sexual violence and their families to access or maintain safe housing or flee existing dangerous housing in order to leave violent or abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences to the State and victims.

(2) To address the failure of existing laws to protect the housing rights of victims of domestic or sexual violence, as well as family or household members affected by the violence.

(3) To accomplish the purposes described in paragraphs (1) and (2) by providing victims of domestic or sexual violence and their families with options to access or maintain safe housing or to flee dangerous housing.

Section 15. Public housing excluded. This Act does not apply to public housing.

Section 20. Definitions. For the purposes of this Act:

"Domestic violence" means abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986.

"Landlord" and "tenant" have the definitions stated in Section 1.1 of the Rental Property Utility Service Act.

"Perpetrator" means an individual who commits or is alleged to have committed or threatened any act of domestic or sexual violence.

"Protected applicant" means a person who makes application to the landlord of a building or mobile home to become an occupant in the building or mobile home, whether under a lease or periodic tenancy, who has been subjected to any act or threat of domestic or sexual violence. A perpetrator is not considered a protected applicant.

"Protected household member" means any member of a household who has been subjected to any act or threat of domestic or sexual violence, including but not limited to: any minor child, any dependant adult, and any other person residing with a victim of domestic or sexual violence. A perpetrator is not considered a protected household member.

"Protected tenant" means an occupant of a building or mobile home whether under a lease or periodic tenancy, who has been subjected to any act or threat of domestic or sexual violence, including but not limited to a tenant residing with a victim of domestic or sexual violence. A perpetrator is not considered a protected tenant.

"Sexual violence" means any act or threat of sexual assault, abuse, or stalking of an adult or minor child including, but not limited to, non-consensual sexual conduct or non-consensual sexual penetration as defined in the Civil No Contact Order Act and the offenses of stalking, aggravated stalking, cyberstalking, criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, and aggravated criminal sexual abuse as these offenses are described in the Criminal Code of 1961, including sexual violence committed by perpetrators who are strangers to the victim and sexual violence committed by perpetrators who are known or related by blood, marriage, or law to the victim.

"Victim" means an individual who has been subjected to any act or threat of domestic or sexual violence. A perpetrator is not considered a victim.

Section 25. Victim protection when the perpetrator is not a leaseholder.

(a) Change of locks. When the perpetrator is not a leaseholder in the same dwelling unit as the victim, a protected tenant in the same dwelling unit may request that the landlord change the locks to the dwelling unit if the protected tenant notifies the landlord that a protected household member is a victim of domestic or sexual violence and provides at least one form of the types of evidence to support that claim as described in subsection (c).

(1) Once the landlord has received one form of evidence indicating that a protected household member is a victim of domestic or sexual violence the landlord shall, within 48 hours or such lesser time as required by court order, change the locks to the protected tenant's dwelling unit or give the protected tenant permission to change the locks within 48 hours or such lesser time as required by a court order.

(2) The landlord may charge a fee for the expense of changing the locks. That fee must not exceed the reasonable price customarily charged for the repair.

(3) If a landlord fails to change the locks within the required time, after being provided with the evidence indicating that a protected household member is a victim of domestic or sexual violence, the protected tenant may change the locks without the landlord's permission. If the protected tenant changes the locks, the protected tenant shall give a key to the new locks to the landlord within 48 hours of the locks being changed.

(b) Early termination of the rental agreement. When the perpetrator is not a leaseholder, a protected tenant who is a victim of domestic or sexual violence or whose dwelling unit contains protected household members who are victims of domestic or sexual violence may terminate his or her rental agreement for the dwelling unit if it is necessary to protect their physical or emotional safety and well being. The protected tenant shall provide the landlord with a written notice of termination to be effective on a date stated in the notice that is at least 30 days after the landlord's receipt of the notice. The notice to the landlord shall be accompanied by at least one form of the types of evidence to support that claim as described in subsection (c).

(1) If, pursuant to this Section, the protected tenant terminates the rental agreement 14 days or more before occupancy, the protected tenant is not subject to any damages or penalties.

(2) The protected tenant shall vacate the dwelling on or before the effective date of the notice.

(c) Evidence of domestic or sexual violence. Notice to the landlord requesting a change of locks or early termination of the rental agreement shall be accompanied by at least one form of the following types of evidence to support a claim of domestic or sexual violence under this Section: medical, court or police evidence of domestic or sexual violence; or a statement from an employee of a victim services, domestic violence, or rape crisis organization from whom the protected tenant or protected household member has sought services.

Section 30. Victim protection when the perpetrator is a leaseholder.

(a) Change of locks. If the perpetrator of the domestic violence or sexual violence is a leaseholder in the same dwelling unit as the victim, a protected tenant of the same dwelling unit may request that the landlord change the locks if the protected tenant notifies the landlord that a protected household member is a victim of domestic or sexual violence and provides the landlord with at least one form of the types of evidence to support that claim as described in subsection (c).

(1) A landlord who receives a request under this subsection shall, within 72 hours or such lesser time as required by a court order, change the locks to the dwelling unit or give the protected tenant permission to change the locks.

(2) The landlord may charge a fee for the expense of changing the locks. That fee must not exceed the reasonable price customarily charged for the repair.

(3) If a landlord fails to change the locks within the required time, after being provided with the evidence indicating that a protected household member is a victim of domestic or sexual violence, the protected tenant may change the locks without the landlord's permission. If the protected tenant changes the locks, the protected tenant shall give a key to the new locks to the landlord within 48 hours of the locks being changed.

(4) Unless a court order allows the perpetrator to return to the dwelling unit to retrieve personal belongings, the landlord has no duty under the rental agreement or by law to allow the perpetrator access to the dwelling unit, to provide keys to the perpetrator, or to provide the perpetrator access to the perpetrator's personal property within the dwelling unit. If a landlord complies with this Section, the landlord is not liable for civil damages to a perpetrator excluded from the dwelling unit for

loss of use of the dwelling unit or loss of use or damage to the perpetrator's personal property.

(b) Early termination of the rental agreement. When the perpetrator is a leaseholder in the same dwelling unit, a protected tenant who is a victim of domestic or sexual violence or whose dwelling unit contains protected household members who are victims of domestic or sexual violence may terminate his or her rental agreement for the dwelling unit if it is necessary to protect their physical or emotional safety and well being. The protected tenant shall provide the landlord with a written notice of termination to be effective on a date stated in the notice that is at least 30 days after the landlord's receipt of the notice. The notice to the landlord shall be accompanied by at least one form of the types of evidence to support that claim as described in subsection (c).

(1) If, pursuant to this Section, the protected tenant terminates the rental agreement 14 days or more before occupancy, the protected tenant is not subject to any damages or penalties.

(2) The protected tenant shall vacate the dwelling on or before the effective date of the notice.

(c) Evidence of domestic or sexual violence. Notice to the landlord requesting a change of locks or early termination of the rental agreement shall be accompanied by at least one form of the following types of evidence to support a claim of domestic or sexual violence under this Section: a copy of an order issued by a court, which may be incorporated into any form of court order including but not limited to an Order Of Protection pursuant to the Illinois Domestic Violence Act of 1986 or Article 112A of the Code of Criminal Procedure of 1963.

Section 35. Enforceability. In addition to any other remedies provided in this Act or under other laws, any protected household member, protected tenant, or victim adversely affected by an act or omission of the landlord that violates this Act may file an action against the landlord in the circuit court. If the court finds that a violation of this Act occurred or is about to occur by an act or omission of the landlord, the court may award to the plaintiff actual damages, reasonable attorney's fees, and costs and may grant as relief, as the court deems appropriate, any permanent or preliminary injunction, temporary restraining order, or other order, including an order enjoining the landlord from engaging in violations of this Act or ordering such affirmative action as may be appropriate.

Section 40. Effect on other laws.

(a) More protective laws. Nothing in this Act shall be construed to supersede any provision of any federal, State, or local law that provides greater protections for victims of domestic or sexual violence than the rights established under this Act.

(b) Less protective laws. The rights established for victims of domestic or sexual violence under this Act shall not be diminished by any State or local law.

Section 45. Prohibition on waiver or modification. Sections 5, 10, 15, 20, 25, 30, 35, and 40 may not be waived or modified by an agreement of the parties.

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

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

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

HOUSE BILL 4782. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

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

AMENDMENT NO. 1. Amend House Bill 4782 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 11-1429 as follows:

(625 ILCS 5/11-1429 new)

Sec. 11-1429. Excessive idling.

(a) The purpose of this law is to protect public health and the environment by reducing emissions while conserving fuel and maintaining adequate rest and safety of all drivers of diesel vehicles.

(b) As used in this Section, "affected areas" means the counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison, St. Clair, and Monroe and the townships of Aux Sable and Goose Lake in Grundy County,

the township of Oswego in Kendall County, and the Baldwin Township in Randolph County.

(c) A person that operates a motor vehicle operating on diesel fuel in an affected area may not cause or allow the motor vehicle, when it is not in motion, to idle for more than a total of 5 minutes within any 60 minute period, except under the following circumstances:

(1) the motor vehicle has a Gross Vehicle Weight Rating of less than 8,000 pounds;

(2) the motor vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official;

(3) the motor vehicle idles when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;

(4) a police, fire, ambulance, public safety, military, other emergency or law enforcement motor vehicle, or any motor vehicle used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator;

(5) the primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is necessary for such activity;

(6) a motor vehicle idles as part of a government inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection;

(7) when idling of the motor vehicle is required to operate auxiliary equipment to accomplish the intended use of the vehicle (such as loading, unloading, mixing, or processing cargo; controlling cargo temperature; construction operations; lumbering operations; oil or gas well servicing; or farming operations), provided that this exemption does not apply when the vehicle is idling solely for cabin comfort or to operate non-essential equipment such as air conditioning, heating, microwave ovens, or televisions;

(8) an armored motor vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded;

(9) a passenger bus idles a maximum of 15 minutes in any 60 minute period to maintain passenger comfort while non-driver passengers are on board;

(10) if the motor vehicle has a sleeping berth, when the operator is occupying the vehicle during a rest or sleep period and idling of the vehicle is required to operate air conditioning or heating;

(11) when the motor vehicle idles due to mechanical difficulties over which the operator has no control;

(12) the motor vehicle is used as airport ground support equipment, including, but not limited to, motor vehicles operated on the air side of the airport terminal to service or supply aircraft;

(13) the motor vehicle is (i) a bus owned by a public transit authority and (ii) being operated on a designated bus route or on a street or highway between designated bus routes for the provision of public transportation; or

(14) the motor vehicle is an implement of husbandry exempt from registration under subdivision A(2) of Section 3-402 of this Code.

(d) A person that operates a motor vehicle operating on diesel fuel in an affected area may not cause or allow the motor vehicle to idle for a period greater than 30 minutes while waiting to weigh, load or unload.

(e) This Section does not prohibit the operation of an auxiliary power unit or generator set as an alternative to idling the main engine of a motor vehicle operating on diesel fuel

(f) This Section does not apply to the owner of a motor vehicle rented or leased to another entity or person operating the vehicle.

(g) If a motor vehicle is operated in violation of this Section, the operator of the motor vehicle shall be deemed guilty of the violation, and the operator may be prosecuted for the violation. Any person convicted of any violation of this Section is guilty of a petty offense and shall be fined $50 for the first conviction and $150 for a second or subsequent conviction within any 12 month period.

Section 99. Effective date. This Act takes effect July 1, 2006.".

Representative Nekritz offered the following amendment and moved its adoption:

AMENDMENT NO. 2 . Amend House Bill 4782, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 11-1429 as follows:

(625 ILCS 5/11-1429 new)

Sec. 11-1429. Excessive idling.

(a) The purpose of this law is to protect public health and the environment by reducing emissions while conserving fuel and maintaining adequate rest and safety of all drivers of diesel vehicles.

(b) As used in this Section, "affected areas" means the counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison, St. Clair, and Monroe and the townships of Aux Sable and Goose Lake in Grundy County and the township of Oswego in Kendall County.

(c) A person that operates a motor vehicle operating on diesel fuel in an affected area may not cause or allow the motor vehicle, when it is not in motion, to idle for more than a total of 10 minutes within any 60 minute period, except under the following circumstances:

(1) the motor vehicle has a Gross Vehicle Weight Rating of less than 8,000 pounds;

(2) the motor vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official;

(3) the motor vehicle idles when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;

(4) a police, fire, ambulance, public safety, other emergency or law enforcement motor vehicle, or any motor vehicle used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator;

(5) the primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is necessary for such activity;

(6) a motor vehicle idles as part of a government inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection;

(7) when idling of the motor vehicle is required to operate auxiliary equipment to accomplish the intended use of the vehicle (such as loading, unloading, mixing, or processing cargo; controlling cargo temperature; construction operations; lumbering operations; oil or gas well servicing; or farming operations), provided that this exemption does not apply when the vehicle is idling solely for cabin comfort or to operate non-essential equipment such as air conditioning, heating, microwave ovens, or televisions;

(8) an armored motor vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded;

(9) a bus idles a maximum of 15 minutes in any 60 minute period to maintain passenger comfort while non-driver passengers are on board;

(10) if the motor vehicle has a sleeping berth, when the operator is occupying the vehicle during a rest or sleep period and idling of the vehicle is required to operate air conditioning or heating;

(11) when the motor vehicle idles due to mechanical difficulties over which the operator has no control;

(12) the motor vehicle is used as airport ground support equipment, including, but not limited to, motor vehicles operated on the air side of the airport terminal to service or supply aircraft;

(13) the motor vehicle is (i) a bus owned by a public transit authority and (ii) being operated on a designated bus route or on a street or highway between designated bus routes for the provision of public transportation;

(14) the motor vehicle is an implement of husbandry exempt from registration under subdivision A(2) of Section 3-402 of this Code;

(15) the motor vehicle is owned by an electric utility and is operated for electricity generation or hydraulic pressure to power equipment necessary in the restoration, repair, modification or installation of electric utility service; or

(16) the outdoor temperature is less than 32 degrees Fahrenheit or greater than 80 degrees Fahrenheit.

(d) When the outdoor temperature is 32 degrees Fahrenheit or higher and 80 degrees Fahrenheit or lower, a person who operates a motor vehicle operating on diesel fuel in an affected area may not cause or allow the motor vehicle to idle for a period greater than 30 minutes in any 60 minute period while waiting to weigh, load, or unload cargo or freight, unless the vehicle is in a line of vehicles that regularly and periodically moves forward.

(e) This Section does not prohibit the operation of an auxiliary power unit or generator set as an alternative to idling the main engine of a motor vehicle operating on diesel fuel.

(f) This Section does not apply to the owner of a motor vehicle rented or leased to another entity or person operating the vehicle.

(g) Any person convicted of any violation of this Section is guilty of a petty offense and shall be fined $50 for the first conviction and $150 for a second or subsequent conviction within any 12 month period.

Section 99. Effective date. This Act takes effect July 1, 2006.".

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

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

HOUSE BILL 5227. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Executive, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 5227 on page 3, line 32, after "bona fide contest", by inserting ", excluding card games and simulated card games,".

Representative Molaro offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 5227, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Coin-Operated Amusement Device and Redemption Machine Tax Act is amended by changing Section 3 as follows:

(35 ILCS 510/3) (from Ch. 120, par. 481b.3)

Sec. 3. Transfer of decals; affixing decals.

(1) All privilege tax decals herein provided for shall be transferable from one device to another device. Any such transfer from one device to another shall be reported to the Department of Revenue on forms prescribed by such Department. All privilege tax decals issued hereunder shall expire on July 31 following issuance.

(2) All privilege tax decals must be securely affixed to the device. A decal that is attached to a device behind a transparent plate or covering that is screwed, bolted, or otherwise securely fastened to the device is deemed to be securely affixed for the purposes of this Section ~~(Blank)~~.

(Source: P.A. 93-32, eff. 7-1-03.)

Section 10. The Criminal Code of 1961 is amended by changing Sections 28-1 and 28-2 as follows:

(720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

Sec. 28-1. Gambling.

(a) A person commits gambling when he:

(1) Plays a game of chance or skill for money or other thing of value, unless excepted in subsection (b) of this Section; or

(2) Makes a wager upon the result of any game, contest, or any political nomination, appointment or election; or

(3) Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures or distributes any gambling device; or

(4) Contracts to have or give himself or another the option to buy or sell, or contracts to buy or sell, at a future time, any grain or other commodity whatsoever, or any stock or security of any company, where it is at the time of making such contract intended by both parties thereto that the contract to buy or sell, or the option, whenever exercised, or the contract resulting therefrom, shall be settled, not by the receipt or delivery of such property, but by the payment only of differences in prices thereof; however, the issuance, purchase, sale, exercise, endorsement or guarantee, by or through a person registered with the Secretary of State pursuant to Section 8 of the Illinois Securities Law of 1953, or by or through a person exempt from such registration under said Section 8, of a put, call, or other option to buy or sell securities which have been registered with the Secretary of State or which are exempt from such registration under Section 3 of the Illinois Securities Law of 1953 is not gambling within the meaning of this paragraph (4); or

(5) Knowingly owns or possesses any book, instrument or apparatus by means of which bets or wagers have been, or are, recorded or registered, or knowingly possesses any money which he has received in the course of a bet or wager; or

(6) Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment or election; or

(7) Sets up or promotes any lottery or sells, offers to sell or transfers any ticket or share for any lottery; or

(8) Sets up or promotes any policy game or sells, offers to sell or knowingly possesses or transfers any policy ticket, slip, record, document or other similar device; or

(9) Knowingly drafts, prints or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device, except for such activity related to lotteries, bingo games and raffles authorized by and conducted in accordance with the laws of Illinois or any other state or foreign government; or

(10) Knowingly advertises any lottery or policy game, except for such activity related to lotteries, bingo games and raffles authorized by and conducted in accordance with the laws of Illinois or any other state; or

(11) Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this subdivision (11) prohibits transmission or receipt of such information for use in news reporting of sporting events or contests; or

(12) Knowingly establishes, maintains, or operates an Internet site that permits a person to play a game of chance or skill for money or other thing of value by means of the Internet or to make a wager upon the result of any game, contest, political nomination, appointment, or election by means of the Internet.

(b) Participants in any of the following activities shall not be convicted of gambling therefor:

(1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance;

(2) Offers of prizes, award or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance or to the owners of animals or vehicles entered in such contest;

(3) Pari-mutuel betting as authorized by the law of this State;

(4) Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this State when such transportation is not prohibited by any applicable Federal law;

(5) The game commonly known as "bingo", when conducted in accordance with the Bingo License and Tax Act;

(6) Lotteries when conducted by the State of Illinois in accordance with the Illinois Lottery Law;

(7) Possession of an antique slot machine that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise. For the purpose of this subparagraph (b)(7), an antique slot machine is one manufactured 25 years ago or earlier;

(8) Raffles when conducted in accordance with the Raffles Act;

(9) Charitable games when conducted in accordance with the Charitable Games Act;

(10) Pull tabs and jar games when conducted under the Illinois Pull Tabs and Jar Games Act; ~~or~~

(11) Gambling games conducted on riverboats when authorized by the Riverboat Gambling Act; or

(12) Offers of prizes, awards, or compensation to the actual contestants in any bona fide contest between 2 or more individuals participating in (1) an electronic video game simulating a contest requiring skill, experience, dexterity, and precision and where the element of chance does not predominate or (2) an electronic video game requiring speed and accuracy of response to factual questions and where the element of chance does not predominate; but not including card games and simulated card games and not including any gambling game or activity of the type conducted under the Bingo Licensing Act, the Illinois Lottery Law, the Raffles Act, the Charitable Games Act, the Illinois Pull Tabs and Jar Games Act, or the Riverboat Gambling Act.

(c) Sentence.

Gambling under subsection (a)(1) or (a)(2) of this Section is a Class A misdemeanor. Gambling under any of subsections (a)(3) through (a)(11) of this Section is a Class A misdemeanor. A second or subsequent conviction under any of subsections (a)(3) through (a)(11), is a Class 4 felony. Gambling under subsection (a)(12) of this Section is a Class A misdemeanor. A second or subsequent conviction under subsection (a)(12) is a Class 4 felony.

(d) Circumstantial evidence.

In prosecutions under subsection (a)(1) through (a)(12) of this Section circumstantial evidence shall have the same validity and weight as in any criminal prosecution.

(Source: P.A. 91-257, eff. 1-1-00.)

(720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

Sec. 28-2. Definitions.

(a) A "gambling device" is any clock, tape machine, slot machine or other machines or device for the reception of money or other thing of value on chance or skill or upon the action of which money or other thing of value is staked, hazarded, bet, won or lost; or any mechanism, furniture, fixture, equipment or other device designed primarily for use in a gambling place. A "gambling device" does not include:

(1) A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player thereof no money, property or right to receive money or property.

(2) Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard.

(3) A crane game. For the purposes of this paragraph (3), a "crane game" is an amusement device involving skill, if it rewards the player exclusively with merchandise contained within the amusement device proper and limited to toys, novelties and prizes other than currency, each having a wholesale value which is not more than $100 ~~7 times the cost charged to play the amusement device once or $5, whichever is less~~.

(4) A redemption machine. For the purposes of this paragraph (4), a "redemption machine" is a single-player or multi-player amusement device involving a game, the object of which is throwing, rolling, bowling, shooting, placing, or propelling a ball or other object into, upon, or against a hole or other target, provided that all of the following conditions are met:

(A) The outcome of the game is predominantly determined by the skill of the player.

(B) The award of the prize is based solely upon the player's achieving the object of the game or otherwise upon the player's score.

(C) Only merchandise prizes are awarded.

(D) The ~~average~~ wholesale value of prizes awarded in lieu of tickets or tokens for single play of the device does not exceed $100 ~~the lesser of $5 or 7 times the cost charged for a single play of the device~~.

(E) The redemption value of tickets, tokens, and other representations of value, which may be accumulated by players to redeem prizes of greater value, does not exceed the amount charged for a single play of the device.

(a-5) "Internet" means an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service.

(a-6) "Access" and "computer" have the meanings ascribed to them in Section 16D-2 of this Code.

(b) A "lottery" is any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale or some other name.

(c) A "policy game" is any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token or other device that any particular number, character, ticket or certificate shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property or evidence of debt.

(Source: P.A. 91-257, eff. 1-1-00.)

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

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

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

RECALL

At the request of the principal sponsor, Representative Bill Mitchell, HOUSE BILL 5257 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

ACTION ON MOTION

Pursuant to the motion submitted previously, Representative McAuliffe moved to table HOUSE BILL 4890.

The motion prevailed.

DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 12:15 o'clock p.m.

HOUSE BILLS ON SECOND READING

HOUSE BILL 4572. Having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 4572 by replacing everything after the enacting clause with the following:

"Section 5. The State Officials and Employees Ethics Act is amended by changing Sections 20-90, 20-95, 25-90, 25-95, and 50-5 as follows:

(5 ILCS 430/20-90)

Sec. 20-90. Confidentiality.

(a) The identity of any individual providing information or reporting any possible or alleged misconduct to an Executive Inspector General or the Executive Ethics Commission shall be kept confidential and may not be disclosed without the consent of that individual, unless the individual consents to disclosure of his or her name or disclosure of the individual's identity is otherwise required by law. The confidentiality granted by this subsection does not preclude the disclosure of the person's identity to employees of the Executive Inspector General or Executive Ethics Commission who need the information for the proper performance of their employment functions. The confidentiality granted by this subsection does not preclude the disclosure of the identity of a person in any capacity other than as the source of an allegation.

(b) Subject to the provisions of Section 20-50(c), commissioners, employees, and agents of the Executive Ethics Commission, the Executive Inspectors General, and employees and agents of each Office of an Executive Inspector General shall keep confidential and shall not disclose information exempted from disclosure under the Freedom of Information Act or by this Act.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/20-95)

Sec. 20-95. Exemptions.

(a) Documents generated by an ethics officer under this Act, except Section 5-50, are exempt from the provisions of the Freedom of Information Act.

(b) Any allegations and related documents submitted to an Executive Inspector General and any pleadings and related documents brought before the Executive Ethics Commission are exempt from the provisions of the Freedom of Information Act so long as the Executive Ethics Commission does not make a finding of a violation of this Act. If the Executive Ethics Commission finds that a violation has occurred, the entire record of proceedings before the Commission, the decision and recommendation, and the mandatory report from the agency head or ultimate jurisdictional authority to the Executive Ethics Commission are not exempt from the provisions of the Freedom of Information Act but information contained therein that is otherwise exempt from the Freedom of Information Act must be redacted before disclosure as provided in Section 8 of the Freedom of Information Act.

(c) Meetings of the Commission under Sections 20-5 and 20-15 of this Act are exempt from the provisions of the Open Meetings Act.

(d) Unless otherwise provided in this Act, all investigatory files and reports of the Office of an Executive Inspector General, other than quarterly reports, are confidential, are exempt from disclosure under the Freedom of Information Act, and shall not be divulged to any person or agency, except as necessary (i) to the appropriate law enforcement authority if the matter is referred pursuant to this Act, (ii) to the ultimate jurisdictional authority, (iii) to the Executive Ethics Commission, ~~; or~~ (iv) to another Inspector General appointed pursuant to this Act , or (v) by a person or entity described in item (i), (ii), (iii), or (iv) to that person's or entity's employees for the proper performance of their employment functions.

At the written request of a person whose alleged misconduct or violation is a subject of an otherwise confidential report of an Executive Inspector General, that person's ultimate jurisdictional authority may, in the ultimate jurisdictional authority's discretion, provide a redacted copy of that report to that person if the Inspector General approves the redaction. All personally identifying and confidential information concerning any other person must be redacted from the copy of the report. The person receiving the redacted copy of the report shall not further disclose information in the redacted copy of the report, other than to the person's personal attorney or union representative as applicable, without the prior approval of the ultimate jurisdictional authority.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/25-90)

Sec. 25-90. Confidentiality.

(a) The identity of any individual providing information or reporting any possible or alleged misconduct to the Legislative Inspector General or the Legislative Ethics Commission shall be kept confidential and may not be disclosed without the consent of that individual, unless the individual consents to disclosure of his or her name or disclosure of the individual's identity is otherwise required by law. The confidentiality granted by this subsection does not preclude the disclosure of the person's identity to employees of the Legislative Inspector General or Legislative Ethics Commission who need the information for the proper performance of their employment functions. The confidentiality granted by this subsection does not preclude the disclosure of the identity of a person in any capacity other than as the source of an allegation.

(b) Subject to the provisions of Section 25-50(c), commissioners, employees, and agents of the Legislative Ethics Commission, the Legislative Inspector General, and employees and agents of the Office of the Legislative Inspector General shall keep confidential and shall not disclose information exempted from disclosure under the Freedom of Information Act or by this Act.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/25-95)

Sec. 25-95. Exemptions.

(a) Documents generated by an ethics officer under this Act, except Section 5-50, are exempt from the provisions of the Freedom of Information Act.

(a-5) Requests from ethics officers, members, and State employees to the Office of the Legislative Inspector General, a Special Legislative Inspector General, the Legislative Ethics Commission, an ethics officer, or a person designated by a legislative leader for guidance on matters involving the interpretation or application of this Act or rules promulgated under this Act are exempt from the provisions of the Freedom of Information Act. Guidance provided to an ethics officer, member, or State employee at the request of an ethics officer, member, or State employee by the Office of the Legislative Inspector General, a Special Legislative Inspector General, the Legislative Ethics Commission, an ethics officer, or a person designated by a legislative leader on matters involving the interpretation or application of this Act or rules promulgated under this Act is exempt from the provisions of the Freedom of Information Act.

(b) Any allegations and related documents submitted to the Legislative Inspector General and any pleadings and related documents brought before the Legislative Ethics Commission are exempt from the provisions of the Freedom of Information Act so long as the Legislative Ethics Commission does not make a finding of a violation of this Act. If the Legislative Ethics Commission finds that a violation has occurred, the entire record of proceedings before the Commission, the decision and recommendation, and the mandatory report from the agency head or ultimate jurisdictional authority to the Legislative Ethics Commission are not exempt from the provisions of the Freedom of Information Act but information contained therein that is exempt from the Freedom of Information Act must be redacted before disclosure as provided in Section 8 of the Freedom of Information Act.

(c) Meetings of the Commission under Sections 25-5 and 25-15 of this Act are exempt from the provisions of the Open Meetings Act.

(d) Unless otherwise provided in this Act, all investigatory files and reports of the Office of the Legislative Inspector General, other than quarterly reports, are confidential, are exempt from disclosure

under the Freedom of Information Act, and shall not be divulged to any person or agency, except as necessary (i) to the appropriate law enforcement authority if the matter is referred pursuant to this Act, (ii) to the ultimate jurisdictional authority, ~~or~~ (iii) to the Legislative Ethics Commission , or (iv) by a person or entity described in item (i), (ii), or (iii) to that person's or entity's employees for the proper performance of their employment functions.

At the written request of a person whose alleged misconduct or violation is a subject of an otherwise confidential report of the Legislative Inspector General, that person's ultimate jurisdictional authority may, in the ultimate jurisdictional authority's discretion, provide a redacted copy of that report to that person if the Inspector General approves the redaction. All personally identifying and confidential information concerning any other person must be redacted from the copy of the report. The person receiving the redacted copy of the report shall not further disclose the information in the redacted copy of the report without the prior approval of the ultimate jurisdictional authority.

(Source: P.A. 93-617, eff. 12-9-03; 93-685, eff. 7-8-04.)

(5 ILCS 430/50-5)

Sec. 50-5. Penalties.

(a) A person is guilty of a Class A misdemeanor if that person intentionally violates any provision of Section 5-15, 5-30, 5-40, or 5-45 or Article 15.

(b) A person who intentionally violates any provision of Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business offense subject to a fine of at least $1,001 and up to $5,000.

(c) A person who intentionally violates any provision of Article 10 is guilty of a business offense and subject to a fine of at least $1,001 and up to $5,000.

(d) Any person who intentionally makes a false report alleging a violation of any provision of this Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor.

(e) An ethics commission may levy an administrative fine of up to $5,000 against any person who violates this Act, who intentionally obstructs or interferes with an investigation conducted under this Act by an inspector general, or who intentionally makes a false, frivolous, or bad faith allegation.

(e-5) A person who intentionally violates subsection (a) of Section 20-90, subsection (d) of Section 20-95, subsection (a) of Section 25-90, or subsection (d) of Section 25-95 is guilty of a Class A misdemeanor.

(f) In addition to any other penalty that may apply, whether criminal or civil, a State employee who intentionally violates any provision of Section 5-15, 5-20, 5-30, 5-35, 5-40, or 5-50, Article 10, Article 15, or Section 20-90 or 25-90 is subject to discipline or discharge by the appropriate ultimate jurisdictional authority.

(Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

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

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

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

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 4729.

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

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

60, Yeas; 56, Nays; 0, Answering Present.

(ROLL CALL 12)

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

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

On motion of Representative Berrios, HOUSE BILL 874 was taken up and read by title a third time.

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

74, Yeas; 42, Nays; 0, Answering Present.

(ROLL CALL 13)

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

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

HOUSE BILL ON SECOND READING

HOUSE BILL 4727. Having been recalled on February 22, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Golar offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 4727 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 18a-404 as follows:

(625 ILCS 5/18a-404) (from Ch. 95 1/2, par. 18a-404)

Sec. 18a-404. Operator's and dispatcher's employment permits - Revocation.

(1) The Commission may ~~shall~~ suspend or revoke the permit of an operator or dispatcher if the holder does not make a compelling showing that he or she is nevertheless fit to hold a permit after the Commission ~~if it~~ finds that:

(a) The operator or dispatcher made a false statement on the application for an operator's or dispatcher's employment permit;

(b) The operator's or dispatcher's driver's license issued by the Secretary of State has been suspended or revoked; ~~or~~

(c) The operator or dispatcher has been convicted, during the preceding 5 years, of any criminal offense of the State of Illinois or any other jurisdiction involving any of the following~~, and the holder does not make a compelling showing that he is nevertheless fit to hold an operator's license~~:

(i) Bodily injury or attempt to inflict bodily injury to another;

(ii) Theft of property or attempted theft of property; or

(iii) Sexual assault or attempted sexual assault of any kind; or ~~.~~

(d) The operator or dispatcher has, during the preceding 5 years, violated this Chapter, Commission regulations or orders, or any other law affecting public safety.

(2) The Commission, upon notification and verification of any conviction described in this Section, of any person to whom license has been issued, occurring within the 5 years prior to such issuance or any time thereafter, shall immediately suspend the employment permit of such person, and issue an order setting forth the grounds for revocation. The person and his employer shall be notified of such suspension. Such person shall not thereafter be employed by a relocator until a final order is issued by the Commission either reinstating the employment permit, upon a finding that the reinstatement of an employment permit to the person constitutes no threat to the public safety, or revoking the employment permit.

(3) If the employment permit is revoked, the person shall not thereafter be employed by a relocator until he obtains an employment permit license under Article IV of this Chapter.

(Source: P.A. 85-923.)".

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

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

RESOLUTIONS

Having been reported out of the Committee on State Government Administration on March 1, 2006, HOUSE JOINT RESOLUTION 89 was taken up for consideration.

Representative Smith 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 March 1, 2006, HOUSE JOINT RESOLUTION 85 was taken up for consideration.

Representative Saviano 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 Human Services on March 1, 2006, HOUSE RESOLUTION 828 was taken up for consideration.

Representative Chapa LaVia 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 March 1, 2006, HOUSE RESOLUTION 831 was taken up for consideration.

Representative Chapa LaVia moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on Human Services on March 1, 2006, HOUSE RESOLUTION 835 was taken up for consideration.

Representative Osterman moved the adoption of the resolution.

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

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

(ROLL CALL 14)

The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on Human Services on March 1, 2006, HOUSE RESOLUTION 842 was taken up for consideration.

Representative Pihos moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on Human Services on March 1, 2006, HOUSE RESOLUTION 844 was taken up for consideration.

Representative Flowers moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on Human Services on March 1, 2006, HOUSE RESOLUTION 852 was taken up for consideration.

Representative Bellock moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on Human Services on March 1, 2006, HOUSE RESOLUTION 851 was taken up for consideration.

Representative Chapa LaVia 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 March 1, 2006, HOUSE JOINT RESOLUTION 90 was taken up for consideration.

Representative Turner 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 Elementary & Secondary Education on March 1, 2006, HOUSE RESOLUTION 836 was taken up for consideration.

Representative Dunkin moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on Human Services on March 1, 2006, HOUSE RESOLUTION 874 was taken up for consideration.

Representative Yarbrough 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 March 1, 2006, HOUSE RESOLUTION 878 was taken up for consideration.

Representative Daniels moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on Local Government on March 1, 2006, HOUSE RESOLUTION 881 was taken up for consideration.

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

AMENDMENT NO. 1. Amend House Resolution 881 on line 17 by replacing "an" with "a statewide"; and
on line 20, after "represents", by inserting "growing"; and
on line 21 by replacing "an" with "a statewide"; and
on line 23 by replacing "an" with "a statewide".

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

Representative Pritchard moved the adoption of the resolution, as amended.

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

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

(ROLL CALL 15)

The motion prevailed and the Resolution was adopted, as amended.

Having been reported out of the Committee on Human Services on March 1, 2006, HOUSE RESOLUTION 903 was taken up for consideration.

Representative Chapa LaVia moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on Elementary & Secondary Education on March 1, 2006, HOUSE RESOLUTION 905 was taken up for consideration.

Representative Jefferson moved the adoption of the resolution.

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

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

(ROLL CALL 16)

The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on State Government Administration on March 1, 2006, HOUSE RESOLUTION 931 was taken up for consideration.

Representative Pritchard moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on Human Services on March 1, 2006, HOUSE RESOLUTION 932 was taken up for consideration.

Representative Delgado moved the adoption of the resolution.

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

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

(ROLL CALL 17)

The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on State Government Administration on March 1, 2006, HOUSE RESOLUTION 935 was taken up for consideration.

Representative Acevedo asked that all members be added to the resolution.

Representative Acevedo moved the adoption of the resolution.

The motion prevailed and the Resolution was adopted.

Having been reported out of the Committee on Agriculture & Conservation on February 28, 2006, HOUSE JOINT RESOLUTION 84 was taken up for consideration.

Representative Moffitt 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 Health Care Availability and Access on February 28, 2006, HOUSE RESOLUTION 896 was taken up for consideration.

Representative Mathias 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 Health Care Availability and Access on February 28, 2006, HOUSE RESOLUTION 897 was taken up for consideration.

Representative Mathias 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 Housing and Urban Development on February 16, 2006, HOUSE JOINT RESOLUTION 95 was taken up for consideration.

Representative Granberg moved the adoption of the resolution.

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

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

(ROLL CALL 18)

The motion prevailed and the Resolution was adopted.

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

HOUSE BILLS ON SECOND READING

HOUSE BILL 4442. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Hannig offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 4442 by replacing everything after the enacting clause with the following:

"Section 5. The Open Meetings Act is amended by changing Section 2.02 as follows:

(5 ILCS 120/2.02) (from Ch. 102, par. 42.02)

Sec. 2.02. Public notice of all meetings, whether open or closed to the public, shall be given as follows:

(a) Every public body shall give public notice of the schedule of regular meetings at the beginning of each calendar or fiscal year and shall state the regular dates, times, and places of such meetings. An agenda for each regular meeting shall be posted at the principal office of the public body and at the location where the meeting is to be held at least 48 hours in advance of the holding of the meeting. A public body that has a website that the full-time staff of the public body maintains shall also post on its website the agenda of any regular meetings of the governing body of that public body. Any agenda of a regular meeting that is posted on a public body's website shall remain posted on the website until the regular meeting is concluded. The requirement of a regular meeting agenda shall not preclude the consideration of items not specifically set forth in the agenda. Public notice of any special meeting except a meeting held in the event of a bona fide emergency, or of any rescheduled regular meeting, or of any reconvened meeting, shall be given at least 48 hours before such meeting (at least 8 hours of which must be during normal business hours), which notice shall also include the agenda for the special, rescheduled, or reconvened meeting, but the validity of any action taken by the public body which is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. The requirement of public notice of reconvened meetings does not apply to any case where the meeting was open to the public and (1) it is to be reconvened within 24 hours, or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda. Notice of an emergency meeting shall be given as soon as practicable, but in any event prior to the holding of such meeting, to any news medium which has filed an annual request for notice under subsection (b) of this Section.

(b) Public notice shall be given by posting a copy of the notice at the principal office of the body holding the meeting or, if no such office exists, at the building in which the meeting is to be held. In addition, a public body that has a website that the full-time staff of the public body maintains shall post notice on its website of all meetings of the governing body of the public body. Any notice of an annual schedule of meetings shall remain on the website until a new public notice of the schedule of regular meetings is approved. Any notice of a regular meeting that is posted on a public body's website shall remain posted on the website until the regular meeting is concluded. The body shall supply copies of the notice of its regular meetings, and of the notice of any special, emergency, rescheduled or reconvened meeting, to any news medium that has filed an annual request for such notice. Any such news medium shall also be given the same notice of all special, emergency, rescheduled or reconvened meetings in the same manner as is given to members of the body provided such news medium has given the public body an address or telephone number within the territorial jurisdiction of the public body at which such notice may be given. The failure of a public body to post on its website notice of any meeting or the agenda of any meeting shall not invalidate any meeting or any actions taken at a meeting.

(Source: P.A. 94-28, eff. 1-1-06.)".

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

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

HOUSE BILL 5031. Having been read by title a second time on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Elementary & Secondary Education, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 5031 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 10-23.5 as follows:

(105 ILCS 5/10-23.5) (from Ch. 122, par. 10-23.5)

Sec. 10-23.5. Educational support personnel employees. To employ such educational support personnel employees as it deems advisable and to define their employment duties; provided that residency within any school district shall not be considered in determining the employment or the compensation of any such employee, or whether to retain, promote, assign or transfer such employee. If an educational support personnel employee is removed or dismissed or the hours he or she works are reduced as a result of a decision of the school board to decrease the number of educational support personnel employees employed by the board or to discontinue some particular type of educational support service, written notice shall be mailed to the employee and also given to the employee either by certified mail, return receipt requested, or personal delivery with receipt, at least 30 days before the employee is removed or dismissed or the hours he or she works are reduced, together with a statement of honorable dismissal and the reason therefor if applicable. The employee with the shorter length of continuing service with the district, within the respective category of position, shall be dismissed first unless an alternative method of determining the sequence of dismissal is established in a collective bargaining agreement or contract between the board and any exclusive bargaining agent and except that this provision shall not impair the operation of any affirmative action program in the district, regardless of whether it exists by operation of law or is conducted on a voluntary basis by the board. If the board has any vacancies for the following school term or within one calendar year from the beginning of the following school term, the positions thereby becoming available within a specific category of position shall be tendered to the employees so removed or dismissed from that category or any other category of position, so far as they are qualified to hold such positions. Each board shall, in consultation with any exclusive employee representative or bargaining agent, each year establish a list, categorized by positions, showing the length of continuing service of each full time educational support personnel employee who is qualified to hold any such positions, unless an alternative method of determining a sequence of dismissal is established as provided for in this Section, in which case a list shall be made in accordance with the alternative method. Copies of the list shall be distributed to the exclusive employee representative or bargaining agent on or before February 1 of each year. Where an educational support personnel employee is dismissed by the board as a result of a decrease in the number of employees or the discontinuance of the employee's job, the employee shall be paid all earned compensation on or before the third business day following his or her last day of employment.

The provisions of this amendatory Act of 1986 relating to residency within any school district shall not apply to cities having a population exceeding 500,000 inhabitants.

(Source: P.A. 89-618, eff. 8-9-96; 90-548, eff. 1-1-98.)

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

Representative Hannig offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 5031, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 10-23.5 as follows:

(105 ILCS 5/10-23.5) (from Ch. 122, par. 10-23.5)

Sec. 10-23.5. Educational support personnel employees. To employ such educational support personnel employees as it deems advisable and to define their employment duties; provided that residency within any school district shall not be considered in determining the employment or the compensation of any such employee, or whether to retain, promote, assign or transfer such employee. If an educational support personnel employee is removed or dismissed or the hours he or she works are reduced as a result of a decision of the school board to decrease the number of educational support personnel employees employed by the board or to discontinue some particular type of educational support service, written notice shall be mailed to the employee and also given to the employee either by certified mail, return receipt requested, or personal delivery with receipt, at least 30 days before the employee is removed or dismissed or the hours he

or she works are reduced, together with a statement of honorable dismissal and the reason therefor if applicable. However, if a reduction in hours is due to an unforeseen reduction in the student population, then the written notice must be mailed and given to the employee at least 5 days before the hours are reduced. The employee with the shorter length of continuing service with the district, within the respective category of position, shall be dismissed first unless an alternative method of determining the sequence of dismissal is established in a collective bargaining agreement or contract between the board and any exclusive bargaining agent and except that this provision shall not impair the operation of any affirmative action program in the district, regardless of whether it exists by operation of law or is conducted on a voluntary basis by the board. If the board has any vacancies for the following school term or within one calendar year from the beginning of the following school term, the positions thereby becoming available within a specific category of position shall be tendered to the employees so removed or dismissed from that category or any other category of position, so far as they are qualified to hold such positions. Each board shall, in consultation with any exclusive employee representative or bargaining agent, each year establish a list, categorized by positions, showing the length of continuing service of each full time educational support personnel employee who is qualified to hold any such positions, unless an alternative method of determining a sequence of dismissal is established as provided for in this Section, in which case a list shall be made in accordance with the alternative method. Copies of the list shall be distributed to the exclusive employee representative or bargaining agent on or before February 1 of each year. Where an educational support personnel employee is dismissed by the board as a result of a decrease in the number of employees or the discontinuance of the employee's job, the employee shall be paid all earned compensation on or before the third business day following his or her last day of employment.

The provisions of this amendatory Act of 1986 relating to residency within any school district shall not apply to cities having a population exceeding 500,000 inhabitants.

(Source: P.A. 89-618, eff. 8-9-96; 90-548, eff. 1-1-98.)

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

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

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

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 972, 974, 976 and 977 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

At the hour of 2:27 o'clock p.m., Representative Currie moved that the House do now adjourn until Thursday, March 2, 2006, at 11:00 o'clock a.m., allowing perfunctory time for the Clerk.

The motion prevailed.

And the House stood adjourned.

NO. 1

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

March 01, 2006

0 YEAS 0 NAYS 117 PRESENT

P Acevedo	P Dugan	P Krause	P Pritchard
P 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	P 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	P 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 (ADDED)	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	P Joyce	P Phelps	P Mr. Speaker
P Davis, William	P Kelly	P Pihos	
P Delgado	P Kosel	P Poe	

E - Denotes Excused Absence

NO. 2

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4314
VEH CD-EMISSIONS TEST PENALTY
THIRD READING
PASSED

March 01, 2006

113 YEAS 2 NAYS 1 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y 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	Y 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	N McKeon	Y 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	E 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	N 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	Y Joyce	Y Phelps	Y Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	P Poe	

E - Denotes Excused Absence

NO. 3

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4404
DEPT ON AGING-HEALTHCARE
THIRD READING
PASSED

March 01, 2006

97 YEAS 18 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
N Bassi	Y Dunkin	Y Lang	N Ramey
N Beaubien	N Dunn	A Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	N Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	Y Mathias	N Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
N Black	Y Flowers	Y May	N Sacia
Y Boland	Y Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	N Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	Y 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	N Stephens
Y Chapa LaVia	Y Hamos	E Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	Y Tenhouse
Y Churchill	N Hassert	Y Molaro	N 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
N Cross	Y Hultgren	Y Nekritz	Y Washington
N Cultra	Y Jakobsson	N Osmond	Y Watson
Y Currie	Y Jefferson	Y Osterman	N Winters
Y D'Amico	N Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	Y Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	N Kosel	Y Poe	

E - Denotes Excused Absence

NO. 4

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4451
LITTER CONTROL&ADOPT-A-HIWAY
THIRD READING
PASSED

March 01, 2006

116 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y 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	Y 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	Y 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	E 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	Y Joyce	Y Phelps	Y Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

NO. 5

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4463
PEN CD-RECIP ACT-TCHR AIDES
THIRD READING
PASSED

March 01, 2006

116 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y 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	Y 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	Y 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	E 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	Y Joyce	Y Phelps	Y Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

NO. 6

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4546
MUNI CD-HIRING POLICE AND FIRE
THIRD READING
PASSED

March 01, 2006

106 YEAS 2 NAYS 7 PRESENT

Y Acevedo	Y Dugan	P Krause	Y Pritchard
Y Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	N Leitch	Y Reis
Y Beiser	Y Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	P Sacia
Y Boland	Y Franks	Y McAuliffe	Y Saviano
Y Bost	Y Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	A Schock
Y Bradley, Richard	Y Giles	Y McKeon	Y 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	E Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	P 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	P Washington
P Cultra	Y Jakobsson	Y Osmond	Y Watson
N Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	P Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
Y Davis, Monique	Y Joyce	Y Phelps	Y Mr. Speaker
Y Davis, William	Y Kelly	P Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

NO. 7

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4845
PROP TX-NOTICES
THIRD READING
PASSED

March 01, 2006

113 YEAS 0 NAYS 2 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y 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	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	Y Ryg
Y Black	Y Flowers	Y May	Y Sacia
Y Boland	Y Franks	A 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	Y 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	E 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
P 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	Y Joyce	Y Phelps	P Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

NO. 8

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5256
CRIM CD-AGG ASSAULT&AGG BAT
THIRD READING
PASSED

March 01, 2006

115 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y 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	Y 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	Y Scully
Y Brady	Y Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	A Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
Y Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	E 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	Y Joyce	Y Phelps	Y Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

NO. 9

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5295
FINANCE-CILA APPROPS
THIRD READING
PASSED

March 01, 2006

116 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y 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	Y 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	Y 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	E 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	Y Joyce	Y Phelps	Y Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

NO. 10

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5382
DISABILITY SERVICES ACT
THIRD READING
PASSED

March 01, 2006

115 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y 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	Y 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	A 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	E 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	Y Joyce	Y Phelps	Y Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

NO. 11

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 5462
CRIMINAL LAW-TECH
THIRD READING
PASSED

March 01, 2006

114 YEAS 0 NAYS 2 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y 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	Y 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	P Fritchey	Y McCarthy	Y Schmitz
Y Bradley, John	Y Froehlich	Y McGuire	Y Schock
Y Bradley, Richard	Y Giles	Y McKeon	Y 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	E 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
P 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	Y Joyce	Y Phelps	Y Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

NO. 12

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4363
WILDLFE PRESRVTION SCRATCH-OFF
THIRD READING
PASSED

March 01, 2006

60 YEAS 56 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 13

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 874
MUNI CD-VENDING LICENSE FEE
THIRD READING
PASSED

March 01, 2006

74 YEAS 42 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 14

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE RESOLUTION 835
HEALTH SURVEY TASK FORCE
ADOPTED

March 01, 2006

116 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y 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	Y 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	Y 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	Y Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

NO. 15

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE RESOLUTION 881
PRE-ANNEX TASK FORCE
ADOPTED

March 01, 2006

116 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y 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	Y 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	Y 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	Y Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

NO. 16

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE RESOLUTION 905
TRUANT ALT & OPT ED TASK FORCE
ADOPTED

March 01, 2006

103 YEAS 8 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 17

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE RESOLUTION 932
DHS-PUBLIC AID-OUTCOME MEASURE
ADOPTED

March 01, 2006

116 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y 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	Y 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	Y 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	Y Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

NO. 18

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE JOINT RESOLUTION 95
WOODED LAND VALUATION
ADOPTED

March 01, 2006

115 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y 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	Y 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	Y Scully
E 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	Y Joyce	Y Phelps	A Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

101ST LEGISLATIVE DAY

Perfunctory Session

WEDNESDAY, MARCH 1, 2006

At the hour of 4:36 o'clock p.m., the House convened perfunctory session.

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on March 1, 2006, (B) reported the same back with the following recommendations:

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Environment & Energy: HOUSE AMENDMENT No. 1 to HOUSE BILL 2197.

The committee roll call vote on the foregoing Legislative Measure is as follows:
5, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson
Y Hannig(D)
Y Turner(D)
Y Black(R), Republican Spokesperson
Y Hassert(R)

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Mautino replaced Representative McKeon in the Committee on Executive on March 1, 2006.

Representative Gordon replaced Representative Dugan in the Committee on Agriculture & Conservation on March 1, 2006.

Representative Delgado replaced Representative Soto in the Committee on Labor on March 1, 2006.

Representative Flowers replaced Representative Hoffman in the Committee on Labor on March 1, 2006.

REPORTS FROM STANDING COMMITTEES

Representative Hoffman, Chairperson, from the Committee on Transportation and Motor Vehicles to which the following were referred, action taken on March 1, 2006, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 280.
Amendment No. 1 to HOUSE BILL 5506.

The committee roll call vote on Amendment No. 1 to House Bills 280 and 5506 is as follows:
25, Yeas; 0, Nays; 0, Answering Present.

Y Hoffman,Jay(D), Chairperson
Y Black,William(R)
Y Brauer,Rich(R)
Y D'Amico,John(D)
A Froehlich,Paul(R)
Y Joyce,Kevin(D)
Y Mathias,Sidney(R)
Y Beiser,Daniel(D)
Y Bost,Mike(R)
A Brosnahan,James(D)
Y Fritchey,John(D)
Y Graham,Deborah(D)
Y Lyons,Joseph(D)
Y McAuliffe,Michael(R)

Y McCarthy,Kevin(D)
Y Miller,David(D), Vice-Chairperson
Y Nekritz,Elaine(D)
Y Ramey,Harry(R)
Y Stephens,Ron(R)
Y Tryon,Michael(R)
Y Washington,Eddie(D)
Y Mendoza,Susana(D)
Y Molaro,Robert(D)
Y Poe,Raymond(R)
Y Soto,Cynthia(D)
Y Tenhouse,Art(R)
Y Wait,Ronald(R), Republican Spokesperson

Representative May, Chairperson, from the Committee on Environmental Health to which the following were referred, action taken on March 1, 2006, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 1620.

The committee roll call vote on Amendment No. 1 to House Bill 1620 is as follows:
8, Yeas; 0, Nays; 0, Answering Present.

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

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on March 1, 2006, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2, 3, 4 and 5 to HOUSE BILL 1917.
Amendment No. 1 to HOUSE BILL 2316.
Amendment No. 9 to HOUSE BILL 2414.

The committee roll call vote on Amendments Numbered 2,3,4,5 to House Bill 1917 is as follows:
9, Yeas; 3, Nays; 0, Answering Present.

Y Acevedo,Edward(D)
Y Biggins,Bob(R)
Y Burke,Daniel(D), Chairperson
Y Jones,Lovana(D)
Y Lyons,Joseph(D), Vice-Chairperson
Y Meyer,James(R)
Y Saviano,Angelo(R)
Y Berrios,Maria(D)
N Bradley,Richard(D)
N Hassert,Brent(R)
N Kosel,Renee(R), Republican Spokesperson
A McKeon,Larry(D)
Y Molaro,Robert(D)

The committee roll call vote on Amendment No. 9 to House Bill 2414 is as follows:
9, Yeas; 3, Nays; 0, Answering Present.

Y Acevedo,Edward(D)
Y Biggins,Bob(R)
Y Burke,Daniel(D), Chairperson
Y Jones,Lovana(D)
Y Lyons,Joseph(D), Vice-Chairperson
A Meyer,James(R)
N Saviano,Angelo(R)
Y Berrios,Maria(D)
Y Bradley,Richard(D)
N Hassert,Brent(R)
N Kosel,Renee(R), Republican Spokesperson
Y McKeon,Larry(D)
Y Molaro,Robert(D)

The committee roll call vote on Amendment No. 1 to House Bill 2316 is as follows:
8, Yeas; 4, Nays; 0, Answering Present.

Y Acevedo,Edward(D)
Y Berrios,Maria(D)

N Biggins,Bob(R)
Y Burke,Daniel(D), Chairperson
Y Jones,Lovana(D)
Y Lyons,Joseph(D), Vice-Chairperson
N Meyer,James(R)
A Saviano,Angelo(R)
Y Bradley,Richard(D)
N Hassert,Brent(R)
N Kosel,Renee(R), Republican Spokesperson
Y Mautino(D) (replacing McKeon)
Y Molaro,Robert(D)

Representative Granberg, Chairperson, from the Committee on Agriculture & Conservation to which the following were referred, action taken on March 1, 2006, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 3 to HOUSE BILL 4238.

The committee roll call vote on Amendment No. 3 to House Bill 4238 is as follows:

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

Y Granberg,Kurt(D), Chairperson
Y Moffitt,Donald(R), Republican Spokesperson
Y Cultra,Shane(R)
Y Flider,Robert(D)
Y Myers,Richard(R)
Y Reis,David(R)
Y Sacia,Jim(R)
Y Verschoore,Patrick(D)
Y Phelps,Brandon(D), Vice-Chairperson
Y Boland,Mike(D)
Y Gordon(D) (replacing Dugan)
Y McGuire,Jack(D)
Y Pritchard,Robert(R)
Y Reitz,Dan(D)
A Sommer,Keith(R)

Representative McKeon, Chairperson, from the Committee on Labor to which the following were referred, action taken on March 1, 2006, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 2113.

The committee roll call vote on Amendment No. 1 to House Bill 2113 is as follows:

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

Y McKeon,Larry(D), Chairperson
Y Boland,Mike(D)
N Cultra,Shane(R)
Y Davis,William(D)
N Eddy,Roger(R)
Y Flowers(D) (replacing Hoffman)
N Hultgren,Randall(R)
N Parke,Terry(R)
Y Delgado(D) (replacing Soto)
Y Washington,Eddie(D)
N Beaubien,Mark(R)
Y Colvin,Marlow(D)
Y D'Amico,John(D)
N Dunn,Joe(R)
Y Graham,Deborah(D)
Y Howard,Constance(D)
Y Jefferson,Charles(D)
N Schmitz,Timothy(R)
A Tenhouse,Art(R)
N Winters,Dave(R), Republican Spokesperson

RESOLUTION

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

HOUSE RESOLUTION 973

Offered by Representative Chapa LaVia:

WHEREAS, The Assured Funding for Veterans Health Care Act of 2005 was introduced in the United States Senate as S.331 on February 9, 2005, and in the United States House of Representatives as H.R.515 on February 2, 2005; and

WHEREAS, S.331 and H.R.515 require the Secretary of the Treasury to make available to the Secretary

of Veterans Affairs assured amounts of moneys for the use of the Veterans Health Administration; and

WHEREAS, In June of 2005, the Secretary of Veterans Affairs acknowledged that the VA had at least a $1 billion shortfall in veterans' health care; and

WHEREAS, Funding for veterans' health care is important to provide those who have served their country in the armed forces with proper health care, especially in a time of armed conflict; the passage of S.331 or H.R.515 will show those who are in the military and those who are considering serving that the federal government will provide necessary benefits; and

WHEREAS, The Department of Veterans Affairs must be ready to meet the needs of our newest veterans and continue to care for veterans who have served our nation in the past; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge Congress to pass the Assured Funding for Veterans Health Care Act of 2005 to ensure that our troops are able to obtain adequate health care; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the President pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Illinois Congressional delegation.

SENATE BILLS ON FIRST READING

Having been reproduced, the following bills were taken up, read by title a first time and placed in the Committee on Rules: SENATE BILLS 2162 (Saviano), 2360 (Beiser), 2582 (Chapa LaVia), 2626 (Parke), 2748 (Lyons,J) and 2774 (Parke).

At the hour of 4:45 o'clock p.m., the House Perfunctory Session adjourned.