

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-FOURTH GENERAL ASSEMBLY

102ND LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

THURSDAY, MARCH 2, 2006

11:11 O'CLOCK A.M.

**HOUSE OF REPRESENTATIVES
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The House met pursuant to adjournment.
Representative Hannig in the chair.
Prayer by Pastor Darrell Lamar Jackson with the Liberty Baptist Church in Chicago, IL.
Representative Jerry Mitchell 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:
117 present. (ROLL CALL 1)

By unanimous consent, Representative Patterson was excused from attendance.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Ramey replaced Representative Meyer in the Committee on Veterans Affairs on March 2, 2006.

Representative Beiser replaced Representative Granberg in the Committee on Agriculture & Conservation on March 2, 2006.

Representative Beiser replaced Representative Smith in the Committee on Environment & Energy on March 2, 2006.

REPORTS FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on March 2, 2006, reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

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

Amendment No. 2 to HOUSE BILL 4391.
Amendment No. 1 to HOUSE BILL 4457.
Amendment No. 4 to HOUSE BILL 4614.
Amendment No. 2 to HOUSE BILL 4680.
Amendment No. 2 to HOUSE BILL 4785.
Amendment No. 4 to HOUSE BILL 4835.
Amendment No. 3 to HOUSE BILL 4885.
Amendment No. 2 to HOUSE BILL 4894.
Amendment No. 3 to HOUSE BILL 4948.
Amendment No. 3 to HOUSE BILL 5245.
Amendment No. 1 to HOUSE BILL 5257.
Amendment No. 2 to HOUSE BILL 5377.
Amendment No. 2 to HOUSE BILL 5416.
Amendment No. 3 to HOUSE BILL 5578.

LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:

Agriculture & Conservation: HOUSE AMENDMENT No. 1 to HOUSE BILL 5407.
Consumer Protection: HOUSE AMENDMENT No. 2 to HOUSE BILL 4296; HOUSE AMENDMENT No. 1 to HOUSE BILL 4350.
Health Care Availability and Access: HOUSE AMENDMENT No. 3 to HOUSE BILL 4999.
Judiciary II - Criminal Law: HOUSE AMENDMENT No. 2 to HOUSE BILL 2067.
Local Government: HOUSE AMENDMENT No. 2 to HOUSE BILL 5478.
Public Utilities: HOUSE AMENDMENT No. 1 to HOUSE BILL 5391.
Transportation and Motor Vehicles: HOUSE AMENDMENT No. 1 to HOUSE BILL 3126; HOUSE AMENDMENT No. 2 to HOUSE BILL 5512.

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

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

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

A 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 2, 2006, (A) reported the same back with the following recommendations:

LEGISLATIVE MEASURES APPROVED FOR FLOOR CONSIDERATION:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to HOUSE BILL 2012.

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 Hannig,Gary(D)
Y Turner,Arthur(D)

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

REPORTS FROM STANDING COMMITTEES

Representative McAuliffe, Chairperson, from the Committee on Veterans Affairs to which the following were referred, action taken on March 2, 2006, reported the same back with the following recommendations:

That the resolution be reported "recommends be adopted" and be placed on the House Calendar:
HOUSE JOINT RESOLUTION 98 and HOUSE RESOLUTION 900.

The committee roll call vote on House Resolution 900 and House Joint Resolution 98 is as follows:
12, Yeas; 0, Nays; 0, Answering Present.

Y McAuliffe,Michael(R), Chairperson
Y Sommer,Keith(R), Republican Spokesperson
Y Dugan,Lisa(D)
Y Golar,Esther(D)
Y Moffitt,Donald(R)
Y Sacia,Jim(R)
A Verschoore,Patrick(D)

Y Chapa LaVia,Linda(D), Vice-Chairperson
Y Bost,Mike(R)
Y Flider,Robert(D)
Y Ramey(R)(replacing Meyer)
Y Phelps,Brandon(D)
Y Schock,Aaron(R)

Representative Phelps, Chairperson, from the Committee on Agriculture & Conservation to which the following were referred, action taken on March 2, 2006, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 2317.

The committee roll call vote on Amendment No. 1 to House Bill 2317 is as follows:
15, Yeas; 0, Nays; 0, Answering Present.

Y Beiser(D) (replacing Granberg)
Y Moffitt,Donald(R), Republican Spokesperson
Y Cultra,Shane(R)
Y Flider,Robert(D)
Y Myers,Richard(R)
Y Reis,David(R)

Y Phelps,Brandon(D), Vice-Chairperson
Y Boland,Mike(D)
Y Dugan,Lisa(D)
Y McGuire,Jack(D)
Y Pritchard,Robert(R)
Y Reitz,Dan(D)

Y Sacia,Jim(R)
Y Verschoore,Patrick(D)

Y Sommer,Keith(R)

Representative Reitz, Chairperson, from the Committee on Revenue to which the following were referred, action taken on March 2, 2006, reported the same back with the following recommendations:

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 5283.

That the resolution be reported ”recommends be adopted” and be placed on the House Calendar: HOUSE RESOLUTION 908.

The committee roll call vote on House Bill 5283 and House Resolution 908 is as follows:

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

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

Representative Molaro, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on March 2, 2006, reported the same back with the following recommendations:

That the Floor Amendment be reported “recommends be adopted”:
Amendment No. 1 to HOUSE BILL 3127.

The committee roll call vote on Amendment No. 1 to House Bill 3127 is as follows:

10, Yeas; 1, Nay; 1, Answering Present.

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

Representative Monique Davis, Chairperson, from the Committee on Appropriations-General Services to which the following were referred, action taken on March 2, 2006, reported the same back with the following recommendations:

That the Floor Amendment be reported “recommends be adopted”:
Amendment No. 1 to HOUSE BILL 3905.

The committee roll call vote on Amendment No. 1 to House Bill 3905 is as follows:

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

Y Davis,Monique(D), Chairperson	Y Graham,Deborah(D), Vice-Chairperson
N Biggins,Bob(R), Republican Spokesperson	N Brauer,Rich(R)
Y Golar,Esther(D)	Y Soto,Cynthia(D)
N Watson,Jim(R)	

Representative Holbrook, Chairperson, from the Committee on Environment & Energy to which the following were referred, action taken on March 2, 2006, reported the same back with the following recommendations:

That the Floor Amendment be reported “recommends be adopted”:

Amendment No. 1 to HOUSE BILL 2197.

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTION 843.

The committee roll call vote on Amendment No. 1 to House Bill 2197 is as follows: 20, Yeas; 0, Nays; 0, Answering Present.

- | | |
|--------------------------------------------|---------------------------------------|
| Y Holbrook,Thomas(D), Chairperson | Y Nekritz,Elaine(D), Vice-Chairperson |
| Y Bradley,Richard(D) | Y Cultra,Shane(R) |
| A Hamos,Julie(D) | Y Joyce,Kevin(D) |
| Y Kosel,Renee(R) | A Leitch,David(R) |
| Y Mautino,Frank(D) | Y May,Karen(D) |
| Y Meyer,James(R) | Y Parke,Terry(R) |
| Y Phelps,Brandon(D) | Y Reitz,Dan(D) |
| Y Rita,Robert(D) | Y Rose,Chapin(R) |
| Y Schock,Aaron(R) | Y Beiser(D)(replacing Smith) |
| Y Tenhouse,Art(R), Republican Spokesperson | Y Tryon,Michael(R) |
| Y Verschoore,Patrick(D) | Y Winters,Dave(R) |

The committee roll call vote on House Resolution 843 is as follows: 21, Yeas; 0, Nays; 0, Answering Present.

- | | |
|--------------------------------------------|---------------------------------------|
| Y Holbrook,Thomas(D), Chairperson | Y Nekritz,Elaine(D), Vice-Chairperson |
| Y Bradley,Richard(D) | Y Cultra,Shane(R) |
| Y Hamos,Julie(D) | Y Joyce,Kevin(D) |
| Y Kosel,Renee(R) | A Leitch,David(R) |
| Y Mautino,Frank(D) | Y May,Karen(D) |
| Y Meyer,James(R) | Y Parke,Terry(R) |
| Y Phelps,Brandon(D) | Y Reitz,Dan(D) |
| Y Rita,Robert(D) | Y Rose,Chapin(R) |
| Y Schock,Aaron(R) | Y Smith,Michael(D) |
| Y Tenhouse,Art(R), Republican Spokesperson | Y Tryon,Michael(R) |
| Y Verschoore,Patrick(D) | Y Winters,Dave(R) |

BALANCED BUDGET NOTES SUPPLIED

A Balanced Budget Note has been supplied for HOUSE BILLS 2316, as amended, and 4346.

FISCAL NOTES SUPPLIED

A Fiscal Note has been supplied for HOUSE BILLS 1917, as amended, 2316, as amended, 4826, 4999, as amended, and 5284.

STATE DEBT IMPACT NOTES SUPPLIED

A State Debt Impact Note has been supplied for HOUSE BILLS 2316, as amended, and 5578, as amended.

JUDICIAL NOTES SUPPLIED

Judicial Notes have been supplied for HOUSE BILLS 2316, as amended, 4999, as amended, and 5578, as amended.

STATE MANDATES FISCAL NOTES SUPPLIED

A State Mandates Fiscal Note has been supplied for HOUSE BILLS 2316, as amended and 4999, as amended.

HOME RULE NOTES SUPPLIED

A Home Rule Note has been supplied for HOUSE BILLS 2316, as amended, and 4999, as amended.

PENSION NOTES SUPPLIED

A Pension Note has been supplied for HOUSE BILLS 2316, as amended, and 5578, as amended.

CORRECTIONAL NOTE SUPPLIED

A Correctional Note has been supplied for HOUSE BILL 2316, as amended.

HOUSING AFFORDABILITY IMPACT NOTE SUPPLIED

A Housing Affordability Impact Note has been supplied for HOUSE BILL 2316, as amended.

REQUEST FOR FISCAL NOTES

Representative Rita requested that Fiscal Notes be supplied for HOUSE BILLS 4333, as amended, and 5391.

Representative Mautino requested that a Fiscal Note be supplied for HOUSE BILL 5377, as amended.

REQUEST FOR STATE MANDATES FISCAL NOTES

Representative Rita requested that State Mandates Fiscal Notes be supplied for HOUSE BILLS 4333, as amended, and 5391.

Representative Black requested that State Mandates Fiscal Notes be supplied for HOUSE BILL 2316, as amended.

REQUEST FOR HOME RULE NOTES

Representative Rita requested that Home Rule Notes be supplied for HOUSE BILLS 4333, as amended, and 5391.

Representative Black requested that a Home Rule Note be supplied for HOUSE BILL 2316, as amended.

Representative Dunn requested that a Home Rule Note be supplied for HOUSE BILL 4826.

REQUEST FOR HOUSING AFFORDABILITY IMPACT NOTES

Representative Mautino requested that a Housing Affordability Impact Note be supplied for HOUSE BILL 5377, as amended.

Representative Black requested that a Housing Affordability Impact Note be supplied for HOUSE BILL 2316, as amended.

REQUEST FOR LAND CONVEYANCE APPRAISAL NOTE

Representative Mautino requested that a Land Conveyance Appraisal Note be supplied for HOUSE BILL 5377, as amended.

REQUEST FOR CORRECTIONAL NOTE

Representative Black requested that a Correctional Note be supplied for HOUSE BILL 2316, as amended.

REQUEST FOR PENSION NOTE

Representative Black requested that a Pension Note be supplied for HOUSE BILL 2316, as amended.

REQUEST FOR STATE DEBT IMPACT NOTE

Representative Black requested that a State Debt Impact Note be supplied for HOUSE BILL 2316, as amended.

LAND CONVEYANCE APPRAISAL NOTE WITHDRAWN

Representative Bost withdrew his request for a Land Conveyance Appraisal Note on HOUSE BILL 4758, as amended.

MESSAGES FROM THE SENATE

A message from the Senate by

Ms. Hawker, Secretary:

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

SENATE BILL NO. 619

A bill for AN ACT concerning State government.

SENATE BILL NO. 701

A bill for AN ACT concerning revenue.

SENATE BILL NO. 819

A bill for AN ACT concerning local government.

SENATE BILL NO. 820

A bill for AN ACT concerning local government.

SENATE BILL NO. 821

A bill for AN ACT concerning local government.

SENATE BILL NO. 835

A bill for AN ACT concerning local government.

SENATE BILL NO. 841

A bill for AN ACT concerning local government.

SENATE BILL NO. 843

A bill for AN ACT concerning local government.

SENATE BILL NO. 855

A bill for AN ACT concerning education.

SENATE BILL NO. 860

A bill for AN ACT concerning education.

SENATE BILL NO. 893

A bill for AN ACT concerning regulation.

SENATE BILL NO. 918

A bill for AN ACT concerning regulation.

SENATE BILL NO. 1085
 A bill for AN ACT concerning transportation.
 SENATE BILL NO. 1086
 A bill for AN ACT concerning transportation.
 SENATE BILL NO. 1087
 A bill for AN ACT concerning transportation.
 SENATE BILL NO. 1183
 A bill for AN ACT concerning civil law.
 SENATE BILL NO. 1214
 A bill for AN ACT concerning civil law.
 SENATE BILL NO. 1991
 A bill for AN ACT concerning gaming.
 SENATE BILL NO. 2137
 A bill for AN ACT concerning State government.
 SENATE BILL NO. 2233
 A bill for AN ACT concerning transportation.
 SENATE BILL NO. 2243
 A bill for AN ACT concerning transportation.
 SENATE BILL NO. 2257
 A bill for AN ACT in relation to education.
 Passed by the Senate, March 1, 2006.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILLS 619, 701, 819, 820, 821, 835, 841, 843, 855, 860, 893, 918, 1085, 1086, 1087, 1183, 1214, 1991, 2137, 2233, 2243 and 2257 were ordered reproduced and placed on the order of Senate Bills - First Reading.

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

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

SENATE BILL NO. 2303
 A bill for AN ACT concerning civil liability.
 SENATE BILL NO. 2326
 A bill for AN ACT concerning regulation.
 SENATE BILL NO. 2349
 A bill for AN ACT concerning mortgages.
 SENATE BILL NO. 2374
 A bill for AN ACT concerning criminal law.
 SENATE BILL NO. 2395
 A bill for AN ACT concerning regulation.
 SENATE BILL NO. 2455
 A bill for AN ACT concerning education.
 SENATE BILL NO. 2475
 A bill for AN ACT concerning families.
 SENATE BILL NO. 2579
 A bill for AN ACT concerning public aid.
 SENATE BILL NO. 2580
 A bill for AN ACT concerning State government.
 SENATE BILL NO. 2608
 A bill for AN ACT concerning regulation.
 SENATE BILL NO. 2617
 A bill for AN ACT concerning criminal law.

Passed by the Senate, March 2, 2006.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILLS 2303, 2326, 2349, 2374, 2395, 2455, 2475, 2579, 2580, 2608 and 2617 were ordered reproduced and placed on the order of Senate Bills - First Reading.

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

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

SENATE BILL NO. 2674
A bill for AN ACT concerning State government.
SENATE BILL NO. 2676
A bill for AN ACT concerning civil law.
SENATE BILL NO. 2691
A bill for AN ACT concerning revenue.
SENATE BILL NO. 2737
A bill for AN ACT concerning criminal law.
SENATE BILL NO. 2795
A bill for AN ACT concerning education.
SENATE BILL NO. 2829
A bill for AN ACT concerning education.
SENATE BILL NO. 2869
A bill for AN ACT concerning criminal law.
SENATE BILL NO. 2871
A bill for AN ACT concerning local government.
Passed by the Senate, March 2, 2006.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILLS 2674, 2676, 2691, 2737, 2795, 2829, 2869 and 2871 were ordered reproduced and placed on the order of Senate Bills - First Reading.

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

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

SENATE BILL NO. 2878
A bill for AN ACT concerning transportation.
SENATE BILL NO. 2882
A bill for AN ACT concerning education.
SENATE BILL NO. 2962
A bill for AN ACT concerning driving privileges.
SENATE BILL NO. 2998
A bill for AN ACT in relation to charitable games.
SENATE BILL NO. 3046
A bill for AN ACT concerning local government.
Passed by the Senate, March 2, 2006.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILLS 2878, 2882, 2962, 2998 and 3046 were ordered reproduced and placed on the order of Senate Bills - First Reading.

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

	SENATE BILL NO. 827
A bill for AN ACT concerning local government.	SENATE BILL NO. 2225
A bill for AN ACT concerning education.	SENATE BILL NO. 2277
A bill for AN ACT concerning gaming.	SENATE BILL NO. 2284
A bill for AN ACT concerning civil law.	SENATE BILL NO. 2285
A bill for AN ACT concerning safety.	SENATE BILL NO. 2290
A bill for AN ACT concerning housing.	SENATE BILL NO. 2302
A bill for AN ACT concerning fire safety.	SENATE BILL NO. 2325
A bill for AN ACT concerning regulation.	SENATE BILL NO. 2328
A bill for AN ACT concerning public aid.	SENATE BILL NO. 2339
A bill for AN ACT concerning employment.	SENATE BILL NO. 2368
A bill for AN ACT concerning transportation.	SENATE BILL NO. 2376
A bill for AN ACT concerning education.	SENATE BILL NO. 2405
A bill for AN ACT concerning transportation.	SENATE BILL NO. 2436
A bill for AN ACT concerning health facilities.	SENATE BILL NO. 2465
A bill for AN ACT concerning health.	SENATE BILL NO. 2469
A bill for AN ACT concerning regulation.	SENATE BILL NO. 2489
A bill for AN ACT concerning transportation.	SENATE BILL NO. 2650
A bill for AN ACT concerning vehicles.	SENATE BILL NO. 2684
A bill for AN ACT concerning criminal law.	SENATE BILL NO. 2695
A bill for AN ACT concerning regulation.	SENATE BILL NO. 2716
A bill for AN ACT concerning business.	SENATE BILL NO. 2745
A bill for AN ACT concerning regulation.	SENATE BILL NO. 2798
A bill for AN ACT concerning local government.	

SENATE BILL NO. 2807
A bill for AN ACT concerning regulation.
SENATE BILL NO. 2808
A bill for AN ACT concerning vehicles.
SENATE BILL NO. 2810
A bill for AN ACT concerning wildlife.
SENATE BILL NO. 2872
A bill for AN ACT concerning revenue.
SENATE BILL NO. 2921
A bill for AN ACT concerning State government.
SENATE BILL NO. 2967
A bill for AN ACT concerning criminal law.
SENATE BILL NO. 2968
A bill for AN ACT concerning immunity.
SENATE BILL NO. 3016
A bill for AN ACT concerning sex offenders.
SENATE BILL NO. 3086
A bill for AN ACT concerning government, which may be referred to as the Equity in Eminent Domain Act.
Passed by the Senate, July 2, 2006.

Linda Hawker, Secretary of the Senate

The foregoing SENATE BILLS 827, 2225, 2277, 2284, 2285, 2290, 2302, 2325, 2328, 2339, 2368, 2376, 2405, 2436, 2465, 2469, 2489, 2650, 2684, 2695, 2716, 2745, 2798, 2807, 2808, 2810, 2872, 2921, 2967, 2968, 3016 and 3086 were ordered reproduced and placed on the order of Senate Bills - First Reading.

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

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE JOINT RESOLUTION NO. 81

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the Senate adjourns on Thursday, March 02, 2006, it stands adjourned until Tuesday, March 07, 2006 at 12:00 o'clock noon; and when the House of Representatives adjourns on Friday, March 03, 2006, it stands adjourned until Tuesday, March 14, 2006 at 1:00 o'clock p.m.

Adopted by the Senate, March 2, 2006.

Linda Hawker, Secretary of the Senate

CHANGE OF SPONSORSHIPS

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 2317.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Mautino became the new principal sponsor of HOUSE BILL 1722.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Brauer became the new principal sponsor of HOUSE BILL 5501.

AGREED RESOLUTIONS

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

HOUSE RESOLUTION 978

Offered by Representative Verschoore:
Recognizes former State Representative Joel Brunsvold as a friend of the outdoors and congratulates him on being honored by the Illinois Conservation Foundation.

HOUSE RESOLUTION 979

Offered by Representative Cross:
Mourns the death of Donald F. Krahn of Mendota.

HOUSE RESOLUTION 980

Offered by Representative Hoffman:
Congratulates the Liberty Middle School cheerleading team in Edwardsville on becoming State champions and for their achievements as outstanding young athletes and students.

HOUSE RESOLUTION 981

Offered by Representative Granberg:
Congratulates the Pingsterhaus family on being named the Clinton County Farm Family of the Year.

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 Eddy, HOUSE BILL 2734 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 117, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 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 Beaubien, HOUSE BILL 4293 was taken up and read by title a third time.

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

Pending the vote on said bill, on motion of Representative Beaubien, further consideration of HOUSE BILL 4293 was postponed.

DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 11:39 o'clock a.m.

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 Jefferson, HOUSE BILL 4342 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 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 Wait, HOUSE BILL 4396 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; 2, Answering Present.
(ROLL CALL 4)

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

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

On motion of Representative Sullivan, HOUSE BILL 4405 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; 3, 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 Sacia, HOUSE BILL 4521 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: 82, Yeas; 34, Nays; 1, Answering Present.
(ROLL CALL 6)

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

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

RECESS

At the hour of 12:23 o'clock p.m., Representative Black moved that the House do now take a recess until the call of the Chair.

The motion prevailed.

At the hour of 2:01 o'clock p.m., the House resumed its session.

Representative Hannig in the Chair.

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 Bellock, HOUSE BILL 4523 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; 1, Nay; 0, Answering Present.

(ROLL CALL 7)

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

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

On motion of Representative Hoffman, HOUSE BILL 4527 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 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 Chapa LaVia, HOUSE BILL 4703 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 117, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 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 Kelly, HOUSE BILL 4715 was taken up and read by title a third time.

The Chair placed this bill on standard debate.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 63, Yeas; 47, Nays; 6, 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 Jones, HOUSE BILL 4726 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; 1, Answering Present.

(ROLL CALL 11)

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

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

On motion of Representative Phelps, HOUSE BILL 4532 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 114, Yeas; 2, 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 Golar, HOUSE BILL 4727 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 13)

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

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

On motion of Representative Tryon, HOUSE BILL 4735 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 14)

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

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

On motion of Representative Dunkin, HOUSE BILL 4657 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 15)

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

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

HOUSE BILL ON SECOND READING

HOUSE BILL 2316. Having been reproduced, was taken up and read by title a second time. Representative Hoffman offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2316 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Sections 8h and 8j and by adding Section 8n as follows:

(30 ILCS 105/8h)

Sec. 8h. Transfers to General Revenue Fund.

(a) Except as otherwise provided in this Section and Section 8n of this Act, and 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 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.

(a-5) Transfers directed to be made under this Section on or before February 28, 2006 that are still pending on the effective date of this amendatory Act of the 94th General Assembly shall be redirected as provided in Section 8n of this Act.

(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) (e)~~ 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.)

(30 ILCS 105/8j)

Sec. 8j. Allocation and transfer of fee receipts to General Revenue Fund. Except as otherwise provided in this Section and Section 8n of this Act, and notwithstanding ~~Notwithstanding~~ any other law to the contrary, additional amounts generated by the new and increased fees created or authorized by Public Acts 93-22, 93-23, 93-24, and 93-32 shall be allocated between the fund otherwise entitled to receive the fee and the General Revenue Fund by the Governor ~~Governor's Office of Management and Budget~~. In determining the amount of the allocation to the General Revenue Fund, the Governor ~~Director of the Governor's Office of Management and Budget~~ shall calculate whether the available resources in the fund are sufficient to satisfy the unexpended and unreserved appropriations from the fund for the fiscal year.

In calculating the available resources in a fund, the Governor ~~Director of the Governor's Office of Management and Budget~~ may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

Upon determining the amount of an allocation to the General Revenue Fund under this Section, the Governor ~~Director of the Governor's Office of Management and Budget~~ may direct the State Treasurer and Comptroller to transfer the amount of that allocation from the fund in which the fee amounts have been deposited to the General Revenue Fund; provided, however, that the Governor ~~Director~~ shall not direct the transfer of any amount that would have the effect of reducing the available resources in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund for 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 ~~Director of the Governor's Office of Management and Budget~~.

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

Transfers directed to be made under this Section on or before February 28, 2006 that are still pending on the effective date of this amendatory Act of the 94th General Assembly shall be redirected as provided in Section 8n of this Act.

(Source: P.A. 93-25, eff. 6-20-03; 93-32, eff. 6-20-03; 94-686, eff. 11-2-05.)

(30 ILCS 105/8n new)

Sec. 8n. Redirected fund transfers.

(a) Transfers directed to be made under Section 8h of this Act on or before February 28, 2006 that are still pending on the effective date of this amendatory Act of the 94th General Assembly shall be redirected and completed as provided in subsections (c) and (d) of this Section.

(b) Transfers directed to be made under Section 8j of this Act on or before February 28, 2006 that are still pending on the effective date of this amendatory Act of the 94th General Assembly shall be redirected and completed as provided in subsections (c) and (d) of this Section.

(c) The first \$250,000,000 of transfers that are subject to redirection under this Section shall be redirected as follows:

(1) one-third of each amount directed to be transferred to the General Revenue Fund shall be transferred to the Drug Rebate Fund instead of the General Revenue Fund;

(2) one-third of each amount directed to be transferred to the General Revenue Fund shall be transferred to the Hospital Provider Fund instead of the General Revenue Fund; and

(3) one-third of each amount directed to be transferred to the General Revenue Fund shall be transferred to the Long-term Care Provider Fund instead of the General Revenue Fund.

If the aggregate amount of all transfers that are subject to redirection under this Section exceeds \$250,000,000, the excess over that amount shall be transferred to the General Revenue Fund.

(d) All transfers redirected by this Section must be completed by the State Comptroller and State Treasurer within 7 days after the effective date of 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. 1 was adopted.

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

RECESS

At the hour of 3:23 o'clock p.m., Representative Black moved that the House do now take a recess until the call of the Chair.

The motion prevailed.

At the hour of 4:14 o'clock p.m., the House resumed its session.

Representative Hannig in the Chair.

HOUSE BILL ON SECOND READING

HOUSE BILL 4785. 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 Aging, adopted and reproduced.

AMENDMENT NO. 1. Amend House Bill 4785 by replacing everything after the enacting clause with the following:

"(210 ILCS 28/85 rep.)

Section 5. The Abuse Prevention Review Team Act is amended by repealing Section 85.

Section 10. The Nursing Home Care Act is amended by changing Sections 2-110, 2-201.5, 2-216, and 3-402 and by adding Section 2-201.6 as follows:

(210 ILCS 45/2-110) (from Ch. 111 1/2, par. 4152-110)

Sec. 2-110. (a) Any employee or agent of a public agency, any representative of a community legal services program or any other member of the general public shall be permitted access at reasonable hours to any individual resident of any facility, but only if there is neither a commercial purpose nor effect to such access and if the purpose is to do any of the following:

(1) Visit, talk with and make personal, social and legal services available to all residents;

(2) Inform residents of their rights and entitlements and their corresponding obligations, under federal and State laws, by means of educational materials and discussions in groups

and with individual residents;

(3) Assist residents in asserting their legal rights regarding claims for public assistance, medical assistance and social security benefits, as well as in all other matters in which residents are aggrieved. Assistance may include counseling and litigation; or

(4) Engage in other methods of asserting, advising and representing residents so as to extend to them full enjoyment of their rights.

(a-5) If a resident of a licensed facility is an identified offender, any federal, State, or local law enforcement officer or county probation officer shall be permitted reasonable access to the individual resident to verify compliance with the requirements of the Sex Offender Registration Act, to verify compliance with the requirements of Public Act 94-163 and this amendatory Act of the 94th General Assembly, or to verify compliance with applicable terms of probation, parole, or mandatory supervised release.

(b) All persons entering a facility under this Section shall promptly notify appropriate facility personnel of their presence. They shall, upon request, produce identification to establish their identity. No such person shall enter the immediate living area of any resident without first identifying himself and then receiving permission from the resident to enter. The rights of other residents present in the room shall be respected. A resident may terminate at any time a visit by a person having access to the resident's living area under this Section.

(c) This Section shall not limit the power of the Department or other public agency otherwise permitted or required by law to enter and inspect a facility.

(d) Notwithstanding paragraph (a) of this Section, the administrator of a facility may refuse access to the facility to any person if the presence of that person in the facility would be injurious to the health and safety of a resident or would threaten the security of the property of a resident or the facility, or if the person seeks access to the facility for commercial purposes. Any person refused access to a facility may within 10 days request a hearing under Section 3-703. In that proceeding, the burden of proof as to the right of the facility to refuse access under this Section shall be on the facility.

(Source: P.A. 94-163, eff. 7-11-05.)

(210 ILCS 45/2-201.5)

Sec. 2-201.5. Screening prior to admission.

(a) All persons age 18 or older seeking admission to a nursing facility must be screened to determine the need for nursing facility services prior to being admitted, regardless of income, assets, or funding source. In addition, any person who seeks to become eligible for medical assistance from the Medical Assistance Program under the Illinois Public Aid Code to pay for long term care services while residing in a facility must be screened prior to receiving those benefits. Screening for nursing facility services shall be administered through procedures established by administrative rule. Screening may be done by agencies other than the Department as established by administrative rule. This Section applies on and after July 1, 1996.

(b) In addition to the screening required by subsection (a), a facility shall, within 24 hours after admission, request a criminal history background check pursuant to the Uniform Conviction Information Act for all persons age 18 or older seeking admission to the facility. Background checks conducted pursuant to this Section shall be based on the resident's name, date of birth, and other identifiers as required by the Department of State Police. If the results of the background check are inconclusive, a fingerprint-based check shall be initiated, unless the fingerprint check is waived by the Director of Public Health based on verification by the facility that the resident is completely immobile. The facility shall, within 60 days after the effective date of this amendatory Act of the 94th General Assembly, request a criminal history background check pursuant to the Uniform Conviction Information Act for all persons who are residents of the facility on the effective date of this amendatory Act of the 94th General Assembly. The facility shall review the results of the criminal history background checks immediately upon receipt thereof.

(c) If the results of a resident's criminal history background check reveal that the resident is an identified offender as defined in Section 1-114.01, the facility shall immediately fax the resident's name and criminal history information to the Illinois Department of Public Health, which shall conduct a Criminal History Analysis pursuant to Section 2-201.6. The Criminal History Analysis shall be conducted independently of the Illinois Department of Public Health's Office of Healthcare Regulation. The Office of Healthcare Regulation shall have no involvement with the process of reviewing or analyzing the criminal history of identified offenders.

(d) The Illinois Department of Public Health shall keep a continuing record of all residents determined to be identified offenders under Section 1-114.01 and shall report the number of identified offender residents

~~annually to the General Assembly, identified offenders who seek admission to a licensed facility shall not be admitted unless the licensed facility complies with the requirements of the Department's administrative rules adopted pursuant to Section 3-202.3.~~

(Source: P.A. 94-163, eff. 7-11-05.)

(210 ILCS 45/2-201.6 new)

Sec. 2-201.6. Criminal History Analysis.

(a) The Department shall immediately commence a Criminal History Analysis when it receives information, through the criminal history background check required pursuant to subsection (b) of Section 2-201.5 or through any other means, that a resident of a facility is an identified offender.

(b) The Department shall complete the Criminal History Analysis as soon as practicable, but not later than 14 days after receiving notice from the facility under subsection (a).

(c) The Criminal History Analysis shall include, but not be limited to, all of the following:

(1) Consultation with the identified offender's assigned parole agent or probation officer, if applicable.

(2) Consultation with the convicting prosecutor's office.

(3) A review of the statement of facts, police reports, and victim impact statements, if available.

(4) An interview with the identified offender.

(5) Consultation with the facility administrator or facility medical director, or both, regarding the physical condition of the identified offender.

(6) Consideration of the entire criminal history of the offender, including the date of the identified offender's last conviction relative to the date of admission to a long-term care facility.

(7) If the identified offender is a convicted or registered sex offender, a review of any and all sex offender evaluations conducted on that offender. If there is no sex offender evaluation available, the Department shall provide for a sex offender evaluation to be conducted on the identified offender. If the convicted or registered sex offender is under supervision by the Illinois Department of Corrections or a county probation department, the sex offender evaluation shall be arranged by and at the expense of the supervising agency. All evaluations conducted on convicted or registered sex offenders under this Act shall be conducted by sex offender evaluators approved by the Sex Offender Management Board.

(d) The Department shall prepare a Criminal History Analysis Report based on the analysis conducted pursuant to subsection (c). The Report shall include a summary of the Risk Analysis and shall detail whether and to what extent the identified offender's criminal history necessitates the implementation of security measures within the long-term care facility. If the identified offender is a convicted or registered sex offender or if the Department's Criminal History Analysis reveals that the identified offender poses a significant risk of harm to others within the facility, the offender shall be required to have his or her own room within the facility.

(e) The Criminal History Analysis Report shall promptly be provided to the following:

(1) The long-term care facility within which the identified offender resides.

(2) The Chief of Police of the municipality in which the facility is located.

(3) The State of Illinois Long Term Care Ombudsman.

(f) The facility shall incorporate the Criminal History Analysis Report into the identified offender's care plan created pursuant to 42 CFR 483.20.

(g) If, based on the Criminal History Analysis Report, a facility determines that it cannot manage the identified offender resident safely within the facility, it shall commence involuntary transfer or discharge proceedings pursuant to Section 3-402.

(h) Except for willful and wanton misconduct, any person authorized to participate in the development of a Criminal History Analysis or Criminal History Analysis Report is immune from criminal or civil liability for any acts or omissions as the result of his or her good faith effort to comply with this Section.

(210 ILCS 45/2-216)

Sec. 2-216. Notification of identified offenders. Every licensed facility shall provide to every prospective and current resident and resident's guardian, and to every facility employee, a written notice, prescribed by the Illinois Department of Public Health, advising the resident, guardian, or employee of his or her right to ask whether any residents of the facility are identified offenders. The notice shall also be prominently posted within every licensed facility. The notice shall include a statement that information regarding registered sex offenders may be obtained from the Department of State Police at www.isp.state.il.us and that information regarding persons serving terms of parole or mandatory supervised release may be obtained from the Illinois Department of Corrections at www.idoc.state.il.us. If identified offenders are residents of the licensed facility, the licensed facility shall notify every resident or resident's guardian in writing that such offenders are residents of the licensed facility. The licensed facility shall also provide

~~notice to its employees and to visitors to the facility that identified offenders are residents.~~
(Source: P.A. 94-163, eff. 7-11-05.)

(210 ILCS 45/3-402) (from Ch. 111 1/2, par. 4153-402)

Sec. 3-402. Involuntary transfer or discharge of a resident from a facility shall be preceded by the discussion required under Section 3-408 and by a minimum written notice of 21 days, except in one of the following instances:

(a) when an emergency transfer or discharge is ordered by the resident's attending physician because of the resident's health care needs; or

(b) when the transfer or discharge is mandated by the physical safety of other residents, the facility staff, or facility visitors, as documented in the clinical record, or when the resident to be transferred or discharged has been found to be an identified offender as defined in Section 1-114.01 of this Act and the facility has determined, pursuant to the Criminal History Analysis Report, that it cannot safely manage the resident within the facility. The Department shall be notified prior to any such involuntary transfer or discharge. The Department shall immediately offer transfer, or discharge and relocation assistance to residents transferred or discharged under this subparagraph (b), and the Department may place relocation teams as provided in Section 3-419 of this Act.

(Source: P.A. 84-1322.)

(210 ILCS 45/3-202.3 rep.) (210 ILCS 45/3-202.4 rep.)

Section 11. The Nursing Home Care Act is amended by repealing Sections 3-202.3 and 3-202.4.

Section 15. The Probation and Probation Officers Act is amended by changing Section 12 as follows:

(730 ILCS 110/12) (from Ch. 38, par. 204-4)

Sec. 12. The duties of probation officers shall be:

(1) To investigate as required by Section 5-3-1 of the "Unified Code of Corrections", approved July 26, 1972, as amended, the case of any person to be placed on probation. Full opportunity shall be afforded a probation officer to confer with the person under investigation when such person is in custody.

(2) To notify the court of any previous conviction for crime or previous probation of any defendant invoking the provisions of this Act.

(3) All reports and notifications required in this Act to be made by probation officers shall be in writing and shall be filed by the clerk in the respective cases.

(4) To preserve complete and accurate records of cases investigated, including a description of the person investigated, the action of the court with respect to his case and his probation, the subsequent history of such person, if he becomes a probationer, during the continuance of his probation, which records shall be open to inspection by any judge or by any probation officer pursuant to order of court, but shall not be a public record, and its contents shall not be divulged otherwise than as above provided, except upon order of court.

(5) To take charge of and watch over all persons placed on probation under such regulations and for such terms as may be prescribed by the court, and giving to each probationer full instructions as to the terms of his release upon probation and requiring from him such periodical reports as shall keep the officer informed as to his conduct.

(6) To develop and operate programs of reasonable public or community service for any persons ordered by the court to perform public or community service, providing, however, that no probation officer or any employee of a probation office acting in the course of his official duties shall be liable for any tortious acts of any person performing public or community service except for wilful misconduct or gross negligence on the part of the probation officer or employee.

(7) When any person on probation removes from the county where his offense was committed, it shall be the duty of the officer under whose care he was placed to report the facts to the probation officer in the county to which the probationer has removed; and it shall thereupon become the duty of such probation officer to take charge of and watch over said probationer the same as if the case originated in that county; and for that purpose he shall have the same power and authority over said probationer as if he had been originally placed in said officer's charge; and such officer shall be required to report in writing every 6 months, or more frequently upon request the results of his supervision to the probation officer in whose charge the said probationer was originally placed by the court.

(8) To authorize travel permits to individuals under their supervision unless otherwise ordered by the court.

(9) To perform such other duties as are provided for in this act or by rules of court and such incidental duties as may be implied from those expressly required.

(10) To send written notification to a public housing agency if a person on probation for a felony who is

under the supervision of the probation officer informs the probation officer that he or she has resided, resides, or will reside at an address that is a housing facility owned, managed, operated, or leased by that public housing agency.

(11) If a person on probation for a felony offense who is under the supervision of the probation officer becomes a resident of a facility licensed or regulated by the Department of Public Health, the Illinois Department of Public Aid, or Illinois Department of Human Services, the probation officer shall within 3 days of the person becoming a resident, notify the licensing or regulating Department and licensed or regulated facility and shall provide the licensed or regulated facility and licensing or regulating Department with copies of the following:

- (a) ~~(blank) pre-sentence investigation reports or social investigation reports;~~
- (b) any applicable probation orders and corresponding compliance plans;
- (c) the name and contact information for the assigned probation officer.

(Source: P.A. 94-163, eff. 7-11-05.)

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

Representative Brosnahan offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4785, AS AMENDED, by replacing everything after the enacting clause with the following:

"(210 ILCS 28/85 rep.)

Section 5. The Abuse Prevention Review Team Act is amended by repealing Section 85.

Section 10. The Nursing Home Care Act is amended by changing Sections 2-110, 2-201.5, and 2-216 and by adding Section 2-201.6 as follows:

(210 ILCS 45/2-110) (from Ch. 111 1/2, par. 4152-110)

Sec. 2-110. (a) Any employee or agent of a public agency, any representative of a community legal services program or any other member of the general public shall be permitted access at reasonable hours to any individual resident of any facility, but only if there is neither a commercial purpose nor effect to such access and if the purpose is to do any of the following:

- (1) Visit, talk with and make personal, social and legal services available to all residents;
- (2) Inform residents of their rights and entitlements and their corresponding obligations, under federal and State laws, by means of educational materials and discussions in groups and with individual residents;
- (3) Assist residents in asserting their legal rights regarding claims for public assistance, medical assistance and social security benefits, as well as in all other matters in which residents are aggrieved. Assistance may include counseling and litigation; or
- (4) Engage in other methods of asserting, advising and representing residents so as to extend to them full enjoyment of their rights.

(a-5) If a resident of a licensed facility is an identified offender, any federal, State, or local law enforcement officer or county probation officer shall be permitted reasonable access to the individual resident to verify compliance with the requirements of the Sex Offender Registration Act, to verify compliance with the requirements of Public Act 94-163 and this amendatory Act of the 94th General Assembly, or to verify compliance with applicable terms of probation, parole, or mandatory supervised release.

(b) All persons entering a facility under this Section shall promptly notify appropriate facility personnel of their presence. They shall, upon request, produce identification to establish their identity. No such person shall enter the immediate living area of any resident without first identifying himself and then receiving permission from the resident to enter. The rights of other residents present in the room shall be respected. A resident may terminate at any time a visit by a person having access to the resident's living area under this Section.

(c) This Section shall not limit the power of the Department or other public agency otherwise permitted or required by law to enter and inspect a facility.

(d) Notwithstanding paragraph (a) of this Section, the administrator of a facility may refuse access to the facility to any person if the presence of that person in the facility would be injurious to the health and safety of a resident or would threaten the security of the property of a resident or the facility, or if the person seeks access to the facility for commercial purposes. Any person refused access to a facility may within 10 days request a hearing under Section 3-703. In that proceeding, the burden of proof as to the right of the facility

to refuse access under this Section shall be on the facility.

(Source: P.A. 94-163, eff. 7-11-05.)

(210 ILCS 45/2-201.5)

Sec. 2-201.5. Screening prior to admission.

(a) All persons age 18 or older seeking admission to a nursing facility must be screened to determine the need for nursing facility services prior to being admitted, regardless of income, assets, or funding source. In addition, any person who seeks to become eligible for medical assistance from the Medical Assistance Program under the Illinois Public Aid Code to pay for long term care services while residing in a facility must be screened prior to receiving those benefits. Screening for nursing facility services shall be administered through procedures established by administrative rule. Screening may be done by agencies other than the Department as established by administrative rule. This Section applies on and after July 1, 1996.

(b) In addition to the screening required by subsection (a), a facility, except for those licensed as long term care for under age 22 facilities, shall, within 24 hours after admission, request a criminal history background check pursuant to the Uniform Conviction Information Act for all persons age 18 or older seeking admission to the facility. Background checks conducted pursuant to this Section shall be based on the resident's name, date of birth, and other identifiers as required by the Department of State Police. If the results of the background check are inconclusive, the facility shall initiate a fingerprint-based check, unless the fingerprint check is waived by the Director of Public Health based on verification by the facility that the resident is completely immobile or that the resident meets other criteria related to the resident's health or lack of potential risk which may be established by Departmental rule. A waiver issued pursuant to this Section shall be valid only while the resident is immobile or while the criteria supporting the waiver exist. The facility shall provide for or arrange for any required fingerprint-based checks to be taken on the premises of the facility. If a fingerprint-based check is required, the facility shall arrange for it to be conducted in a manner that is respectful of the resident's dignity and that minimizes any emotional or physical hardship to the resident.

A facility, except for those licensed as long term care for under age 22 facilities, shall, within 60 days after the effective date of this amendatory Act of the 94th General Assembly, request a criminal history background check pursuant to the Uniform Conviction Information Act for all persons who are residents of the facility on the effective date of this amendatory Act of the 94th General Assembly. The facility shall review the results of the criminal history background checks immediately upon receipt thereof. If the results of the background check are inconclusive, the facility shall initiate a fingerprint-based check unless the fingerprint-based check is waived by the Director of Public Health based on verification by the facility that the resident is completely immobile or that the resident meets other criteria related to the resident's health or lack of potential risk which may be established by Departmental rule. A waiver issued pursuant to this Section shall be valid only while the resident is immobile or while the criteria supporting the waiver exist. The facility shall provide for or arrange for any required fingerprint-based checks to be taken on the premises of the facility. If a fingerprint-based check is required, the facility shall arrange for it to be conducted in a manner that is respectful of the resident's dignity and that minimizes any emotional or physical hardship to the resident.

(c) If the results of a resident's criminal history background check reveal that the resident is an identified offender as defined in Section 1-114.01, the facility shall immediately fax the resident's name and criminal history information to the Illinois Department of Public Health, which shall conduct a Criminal History Analysis pursuant to Section 2-201.6. The Criminal History Analysis shall be conducted independently of the Illinois Department of Public Health's Office of Healthcare Regulation. The Office of Healthcare Regulation shall have no involvement with the process of reviewing or analyzing the criminal history of identified offenders.

(d) The Illinois Department of Public Health shall keep a continuing record of all residents determined to be identified offenders under Section 1-114.01 and shall report the number of identified offender residents annually to the General Assembly. ~~identified offenders who seek admission to a licensed facility shall not be admitted unless the licensed facility complies with the requirements of the Department's administrative rules adopted pursuant to Section 3-202.3.~~

(Source: P.A. 94-163, eff. 7-11-05.)

(210 ILCS 45/2-201.6 new)

Sec. 2-201.6. Criminal History Analysis.

(a) The Department shall immediately commence a Criminal History Analysis when it receives information, through the criminal history background check required pursuant to subsection (b) of Section

2-201.5 or through any other means, that a resident of a facility is an identified offender.

(b) The Department shall complete the Criminal History Analysis as soon as practicable, but not later than 14 days after receiving notice from the facility under subsection (a).

(c) The Criminal History Analysis shall include, but not be limited to, all of the following:

(1) Consultation with the identified offender's assigned parole agent or probation officer, if applicable.

(2) Consultation with the convicting prosecutor's office.

(3) A review of the statement of facts, police reports, and victim impact statements, if available.

(4) An interview with the identified offender.

(5) Consultation with the facility administrator or facility medical director, or both, regarding the physical condition of the identified offender.

(6) Consideration of the entire criminal history of the offender, including the date of the identified offender's last conviction relative to the date of admission to a long-term care facility.

(7) If the identified offender is a convicted or registered sex offender, a review of any and all sex offender evaluations conducted on that offender. If there is no sex offender evaluation available, the Department shall provide for a sex offender evaluation to be conducted on the identified offender. If the convicted or registered sex offender is under supervision by the Illinois Department of Corrections or a county probation department, the sex offender evaluation shall be arranged by and at the expense of the supervising agency. All evaluations conducted on convicted or registered sex offenders under this Act shall be conducted by sex offender evaluators approved by the Sex Offender Management Board.

(d) The Department shall prepare a Criminal History Analysis Report based on the analysis conducted pursuant to subsection (c). The Report shall include a summary of the Risk Analysis and shall detail whether and to what extent the identified offender's criminal history necessitates the implementation of security measures within the long-term care facility. If the identified offender is a convicted or registered sex offender or if the Department's Criminal History Analysis reveals that the identified offender poses a significant risk of harm to others within the facility, the offender shall be required to have his or her own room within the facility.

(e) The Criminal History Analysis Report shall promptly be provided to the following:

(1) The long-term care facility within which the identified offender resides.

(2) The Chief of Police of the municipality in which the facility is located.

(3) The State of Illinois Long Term Care Ombudsman.

(f) The facility shall incorporate the Criminal History Analysis Report into the identified offender's care plan created pursuant to 42 CFR 483.20.

(g) If, based on the Criminal History Analysis Report, a facility determines that it cannot manage the identified offender resident safely within the facility, it shall commence involuntary transfer or discharge proceedings pursuant to Section 3-402.

(h) Except for willful and wanton misconduct, any person authorized to participate in the development of a Criminal History Analysis or Criminal History Analysis Report is immune from criminal or civil liability for any acts or omissions as the result of his or her good faith effort to comply with this Section.

(210 ILCS 45/2-216)

Sec. 2-216. Notification of identified offenders. Every licensed facility shall provide to every prospective and current resident and resident's guardian, and to every facility employee, a written notice, prescribed by the Illinois Department of Public Health, advising the resident, guardian, or employee of his or her right to ask whether any residents of the facility are identified offenders. The notice shall also be prominently posted within every licensed facility. The notice shall include a statement that information regarding registered sex offenders may be obtained from the Illinois State Police website and that information regarding persons serving terms of parole or mandatory supervised release may be obtained from the Illinois Department of Corrections website. If identified offenders are residents of the licensed facility, the licensed facility shall notify every resident or resident's guardian in writing that such offenders are residents of the licensed facility. The licensed facility shall also provide notice to its employees and to visitors to the facility that identified offenders are residents.

(Source: P.A. 94-163, eff. 7-11-05.)

(210 ILCS 45/3-202.3 rep.) (210 ILCS 45/3-202.4 rep.)

Section 11. The Nursing Home Care Act is amended by repealing Sections 3-202.3 and 3-202.4.

Section 15. The Probation and Probation Officers Act is amended by changing Section 12 as follows:

(730 ILCS 110/12) (from Ch. 38, par. 204-4)

Sec. 12. The duties of probation officers shall be:

(1) To investigate as required by Section 5-3-1 of the "Unified Code of Corrections", approved July 26,

1972, as amended, the case of any person to be placed on probation. Full opportunity shall be afforded a probation officer to confer with the person under investigation when such person is in custody.

(2) To notify the court of any previous conviction for crime or previous probation of any defendant invoking the provisions of this Act.

(3) All reports and notifications required in this Act to be made by probation officers shall be in writing and shall be filed by the clerk in the respective cases.

(4) To preserve complete and accurate records of cases investigated, including a description of the person investigated, the action of the court with respect to his case and his probation, the subsequent history of such person, if he becomes a probationer, during the continuance of his probation, which records shall be open to inspection by any judge or by any probation officer pursuant to order of court, but shall not be a public record, and its contents shall not be divulged otherwise than as above provided, except upon order of court.

(5) To take charge of and watch over all persons placed on probation under such regulations and for such terms as may be prescribed by the court, and giving to each probationer full instructions as to the terms of his release upon probation and requiring from him such periodical reports as shall keep the officer informed as to his conduct.

(6) To develop and operate programs of reasonable public or community service for any persons ordered by the court to perform public or community service, providing, however, that no probation officer or any employee of a probation office acting in the course of his official duties shall be liable for any tortious acts of any person performing public or community service except for wilful misconduct or gross negligence on the part of the probation officer or employee.

(7) When any person on probation removes from the county where his offense was committed, it shall be the duty of the officer under whose care he was placed to report the facts to the probation officer in the county to which the probationer has removed; and it shall thereupon become the duty of such probation officer to take charge of and watch over said probationer the same as if the case originated in that county; and for that purpose he shall have the same power and authority over said probationer as if he had been originally placed in said officer's charge; and such officer shall be required to report in writing every 6 months, or more frequently upon request the results of his supervision to the probation officer in whose charge the said probationer was originally placed by the court.

(8) To authorize travel permits to individuals under their supervision unless otherwise ordered by the court.

(9) To perform such other duties as are provided for in this act or by rules of court and such incidental duties as may be implied from those expressly required.

(10) To send written notification to a public housing agency if a person on probation for a felony who is under the supervision of the probation officer informs the probation officer that he or she has resided, resides, or will reside at an address that is a housing facility owned, managed, operated, or leased by that public housing agency.

(11) If a person on probation for a felony offense who is under the supervision of the probation officer becomes a resident of a facility licensed or regulated by the Department of Public Health, the Illinois Department of Public Aid, or Illinois Department of Human Services, the probation officer shall within 3 days of the person becoming a resident, notify the licensing or regulating Department and licensed or regulated facility and shall provide the licensed or regulated facility and licensing or regulating Department with copies of the following:

- (a) ~~(blank) pre-sentence investigation reports or social investigation reports;~~
- (b) any applicable probation orders and corresponding compliance plans;
- (c) the name and contact information for the assigned probation officer.

(Source: P.A. 94-163, eff. 7-11-05.)

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

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

100, Yeas; 8, Nays; 5, Answering Present.

(ROLL CALL 16)

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

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

HOUSE BILLS ON THIRD READING

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

On motion of Representative Hannig, HOUSE BILL 4442 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; 0, Answering Present.
(ROLL CALL 17)

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

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

On motion of Representative Bill Mitchell, HOUSE BILL 4081 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; 0, Answering Present.
(ROLL CALL 18)

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

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

On motion of Representative Jones, HOUSE BILL 4406 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: 68, Yeas; 44, Nays; 1, Answering Present.
(ROLL CALL 19)

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

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

RECALL

At the request of the principal sponsor, Representative Turner, HOUSE BILL 4666 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

ACTION ON MOTION

Representative Turner asked and obtained unanimous consent to table Amendment No. 1 to HOUSE BILL 4666.

HOUSE BILL ON SECOND READING

HOUSE BILL 4666. Having been reproduced, was taken up and read by title a second time.

Amendment No. 1 was previously tabled.

There being no further amendments, the bill was advanced to the order of Third Reading.

HOUSE BILLS ON THIRD READING

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

On motion of Representative Turner, HOUSE BILL 4666 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; 0, Answering Present.
(ROLL CALL 20)

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

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

On motion of Representative Hannig, HOUSE BILL 4729 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; 0, Answering Present.
(ROLL CALL 21)

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

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

On motion of Representative Patterson, HOUSE BILL 4447 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: 65, Yeas; 48, Nays; 0, Answering Present.
(ROLL CALL 22)

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

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

HOUSE BILLS ON SECOND READING

HOUSE BILL 2197. 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 Reitz offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 2197 by replacing everything after the enacting clause with the following:

"Section 5. The Coal Mining Act is amended by changing Sections 11.01, 19.11, 22.18, and 38.3 and the heading of Article 29 and by adding Sections 1.19, 1.20, 1.21, 1.22, 1.23, 1.24, 10.08, 11.07, 11.08, 11.09, 11.10, 11.11, 13.16, 13.17, 13.18, 29.05, 29.06, 29.07, 38.4, and 38.5 as follows:

(225 ILCS 705/1.19 new)

Sec. 1.19. "Lifeline cord" means a fire-retardant, nylon line of at least one quarter inch thickness, with cone-shaped directional indicators incorporated into it, that is permanently installed in an escape way and gives a clear indication of the direction out of a mine.

(225 ILCS 705/1.20 new)

Sec. 1.20. "Self-contained self-rescue (SCSR) device" means a breathing apparatus approved by the Mine Safety and Health Administration of the U.S. Department of Labor and the Mining Board.

(225 ILCS 705/1.21 new)

Sec. 1.21. "Surface supervisor of an underground mine" means a certified supervisor at a mine whose duties do not include the extraction of coal, but do include other activities resulting in the preparation of coal, supervision of construction or demolition of mine buildings, earth moving, gob moving projects, or other surface projects involving the supervision of people and machinery.

(225 ILCS 705/1.22 new)

Sec. 1.22. "Tag-line" means a nylon line of at least one quarter inch thickness that has mechanical clips or other suitable connecting devices incorporated therein that are spaced between 3 feet and 5 feet apart that allow a group of persons underground to attach themselves together.

(225 ILCS 705/1.23 new)

Sec. 1.23. "Rescue chamber" means a chamber within a mine that is properly constructed to protect against potential hazards in case of an emergency and is properly equipped with first aid materials, an oxygen-generating device capable of providing a minimum of 48 hours of oxygen for at least 10 people, and proper accommodations for persons underground awaiting rescue, as determined by the Mining Board.

(225 ILCS 705/1.24 new)

Sec. 1.24. "Cache" means a storage facility within a mine that is properly constructed to store SCSR devices in case of an emergency for use by persons underground in emergency situations, as determined by the Mining Board.

(225 ILCS 705/10.08 new)

Sec. 10.08. Use of telecommunications center. In order to ensure a quick and efficient means of effectively disseminating duties and responsibilities to those agencies involved in mining emergency response, the Department shall use the telecommunications center maintained by the Illinois Emergency Management Agency to notify agents of the Department and other State, federal, and local agencies in the event of an emergency in or about any coal mine. The Illinois Emergency Management Agency, in conjunction with the Mining Board, shall establish procedures concerning the manner in which the Illinois Emergency Management Agency shall record pertinent information regarding a mining emergency, determine the urgency of a call, and forward information to the Department.

(225 ILCS 705/11.01) (from Ch. 96 1/2, par. 1101)

Sec. 11.01. Mine rescue stations. For the purpose of providing prompt and efficient means of fighting fires and of saving lives and property jeopardized by fires, explosions or other accidents in coal mines in Illinois, there shall be constructed, equipped and maintained at public expense ~~4~~ ~~four~~ mine rescue stations, certified by the Mine Safety and Health Administration of the U.S. Department of Labor, to serve the coal fields of the State. Notwithstanding any other law of this State, the primary responsibility for the control and maintenance of the mine rescue stations shall be vested with the Department. Each station shall be equipped with a mobile mine rescue unit. The Department may establish, equip and maintain three additional substations for preservation of health and safety if the conditions warrant. Temporary certification may be issued by the Mining Board for a maximum of 6 months after the effective date of this amendatory Act of the 94th General Assembly.

(Source: P.A. 87-895.)

(225 ILCS 705/11.07 new)

Sec. 11.07. Rescue teams. Rescue teams shall be based out of each mine rescue station to serve the Illinois coal industry as either a primary or secondary responder. Every operator in the State must provide employees to serve on a rescue team and must compensate these employees who are serving as rescue team members at their regular rate of pay.

(225 ILCS 705/11.08 new)

Sec. 11.08. Self-contained self-rescuer (SCSR) devices; caches; strobe lights; luminescent signs.

(a) An operator must require each person underground to carry a SCSR device on his or her person or, alternatively, a SCSR device must be kept within 25 feet of the person underground or may be kept more than 25 feet from the person underground if done according to a plan approved by the Mining Board.

(b) An operator must provide a minimum of 30 SCSR devices in each cache located within a mine. Caches must be located no more than 4,000 feet apart throughout a mine.

(c) An operator must submit for approval a plan addressing the requirements of subsection (b) of this Section to the Mining Board within 3 months after the effective date of this amendatory Act of the 94th General Assembly.

(d) An operator must require luminescent direction signs leading to each cache and rescue chamber to be posted in a mine and a luminescent sign with the words "SELF-CONTAINED SELF-RESCUER" or "SELF-CONTAINED SELF-RESCUERS" must be conspicuously posted at each cache and rescue chamber.

(e) Intrinsically safe, battery-powered strobe lights must be affixed to each cache and rescue chamber and must be capable of automatic activation in the event of an emergency.

(f) The Mining Board shall adopt and impose all federal requirements concerning the testing and storage of the SCSR devices.

(g) Any person who, without the authorization of the operator or the Mining Board, knowingly removes or attempts to remove any self-contained self-rescue device or battery-powered strobe light approved by the Department from a mine or mine site with the intent to permanently deprive the operator of the device or light or who knowingly tampers with or attempts to tamper with the device or light is guilty of a Class 4 felony.

(225 ILCS 705/11.09 new)

Sec. 11.09. Rescue chambers. Rescue chambers approved by the Mining Board must be provided and located no more than 3,000 feet apart throughout a mine.

An operator must submit a plan for approval concerning the construction and maintenance of rescue chambers required under this Section to the Mining Board within 3 months after the effective date of this amendatory Act of the 94th General Assembly.

(225 ILCS 705/11.10 new)

Sec. 11.10. Materials for barricade. Each working section of a mine must have an emergency sled or wagon located no more than 1,000 feet from the working faces of the mine with the following materials and amounts in constant supply:

- (1) 8 timbers of suitable length or roof jacks of equal capability;
- (2) 200 linear feet of brattice cloth of adequate height to the coal seam;
- (3) 2 hand saws;
- (4) 20 1 x 6 brattice boards at least 12 feet long each;
- (5) 10 pounds of 10d nails;
- (6) 10 pounds of 16d nails;
- (7) 10 pounds of spads;
- (8) 25 cap boards;
- (9) 20 header boards;
- (10) 2 axes;
- (11) 2 claw hammers;
- (12) one sledge hammer;
- (13) one shovel;
- (14) 10 bags of wood fiber plaster or 5 bags of cement or the equivalent;
- (15) 4 sets of rubber gloves; and
- (16) 5 gallons of sealed, distilled drinking water.

(225 ILCS 705/11.11 new)

Sec. 11.11. Rulemaking. The Mining Board shall adopt all rules necessary for the administration of this Article.

(225 ILCS 705/13.16 new)

Sec. 13.16. Tag-lines. Tag-lines must be provided in every working section of a mine and on any vehicle capable of hauling 4 or more people within the mine.

(225 ILCS 705/13.17 new)

Sec. 13.17. Methane extraction prohibited. Methane extraction from sealed areas of active mines or abandoned mines that are attached to active working mines is prohibited.

(225 ILCS 705/13.18 new)

Sec. 13.18. Non-production related bore holes exempt. Non-production related bore holes that are drilled or operated by an operator and are intended for the safety or maintenance of a mine are exempt from this Act.

(225 ILCS 705/19.11) (from Ch. 96 1/2, par. 1911)

Sec. 19.11. Travelable passageways; obstructions; ventilation of escape ways. There shall be at least two travelable passageways, to be designated as escape ways, from each working section to the surface whether the mine openings are shafts, slopes, or drifts. At least one of these passageways must be equipped with a lifeline cord. Escape ways ~~They~~ shall be kept in safe condition for travel and reasonably free from standing water and other obstructions. One of the designated escape ways may be the haulage road. One of the escape ways shall be ventilated with intake air. At mines now operating with only one free passageway to the surface, immediate action shall be taken to provide a second passageway. The return air passageway to the surface must be marked with reflectors or other appropriate signage, as approved by the Department.

(Source: Laws 1953, p. 701.)

(225 ILCS 705/22.18) (from Ch. 96 1/2, par. 2218)

Sec. 22.18. Vehicle for transporting workforce and injured persons. A vehicle suitable for transporting all persons underground working on a unit and injured persons shall be maintained ~~in~~ ~~on~~ each underground

working section ~~where workers are working for use in case of accident.~~

(Source: P.A. 79-460.)

(225 ILCS 705/Art. 29 heading)

ARTICLE 29. TELEPHONE AND WIRELESS COMMUNICATION SYSTEMS

(225 ILCS 705/29.05 new)

Sec. 29.05. Wireless emergency communication devices. A wireless emergency communication device approved by the Mining Board must be worn by each person underground. The operator shall provide these devices. The wireless emergency communication device must, at a minimum, be capable of receiving emergency communications from the surface at any location throughout the mine. Each operator must provide for the training of each underground employee in the use of the device and, annually, provide a refresher training course for all underground employees. The operator must install in or around the mine any and all equipment necessary to transmit emergency communications from the surface to each wireless emergency communication device at any location throughout the mine.

An operator must submit for approval a plan concerning the implementation of the wireless emergency communication devices required under this Section to the Mining Board within 3 months after the effective date of this amendatory Act of the 94th General Assembly.

Any person who, without the authorization of the operator or the Mining Board, knowingly removes or attempts to remove any wireless emergency communication device or related equipment approved by the Mining Board from the mine or mine site with the intent to permanently deprive the operator of the device or equipment or who knowingly tampers with or attempts to tamper with the device or equipment is guilty of a Class 4 felony.

(225 ILCS 705/29.06 new)

Sec. 29.06. Wireless tracking devices. A wireless tracking device approved by the Mining Board must be worn by each person underground. The operator shall provide these devices. The tracking device must be capable of providing real-time monitoring of the physical location of each person underground in the event of an accident or other emergency. No person may discharge or discriminate against any underground employee based on information gathered by a wireless tracking device during non-emergency monitoring. Each operator must provide for the training of each underground employee in the use of the device and provide refresher training courses for all underground employees during each calander year. The operator must install in or around the mine all equipment necessary to provide real-time emergency monitoring of the physical location of each person underground.

An operator must submit for approval a plan concerning the implementation of the wireless tracking devices required under this Section to the Mining Board within 3 months after the effective date of this amendatory Act of the 94th General Assembly.

Any person who, without the authorization of the operator or the Mining Board, knowingly removes or attempts to remove any wireless tracking device or related equipment approved by the Mining Board from a mine or mine site with the intent to permanently deprive the operator of the device or equipment or who knowingly tampers with or attempts to tamper with the device or equipment is guilty of a Class 4 felony.

(225 ILCS 705/29.07 new)

Sec. 29.07. Communication and tracking systems technology. The Mining Board and the Department shall work in consultation with the mining industry to study communication and tracking systems technology in order to ensure that the communication and tracking capabilities necessary in the event of an emergency are employed.

(225 ILCS 705/38.3) (from Ch. 96 1/2, par. 3803)

Sec. 38.3. Surface mine supervisor Supervisors. On or after September 1, 1977, it shall be unlawful for any operator of a surface coal mine to employ, in a supervisory capacity listed below any person who does not hold a certificate of competency issued by the Mining Board.

Those persons assigned to supervise:

- (a) Overburden stripping
- (b) Drilling and shooting
- (c) The pit coal loading operation
- (d) Reclamation work at the mine.

Each applicant must have a minimum of 2 years of surface mining experience and pass an examination, administered by the Mining Board, based on Illinois State Mining Law as it pertains to his responsibilities. Temporary certification will be provided by the Mining Board for persons with at least 2 years surface mining experience up to the time of the next examination or up to a maximum of 6 months.

(Source: P.A. 79-460; 79-1505.)

(225 ILCS 705/38.4 new)

Sec. 38.4. General surface supervisor of an underground mine. On or after July 1, 2006, it shall be unlawful for an operator of an underground coal mine surface facility or a coal preparation plant or a contractor engaged in the construction, demolition, or dismantling of an underground coal mine surface facility or a coal preparation plant to employ, in a supervisory capacity, any person who does not hold a certificate of competency issued by the Mining Board to oversee any of the following activities:

- (1) Coal preparation and storage.
- (2) Mine equipment storage and repair.
- (3) Mobile equipment operation.
- (4) Site construction, demolition, or dismantling operations.

Each applicant for a certificate as a general surface supervisor of an underground mine must have a minimum of 2 years of work experience at an underground coal mine surface facility or coal preparation plant. In addition to the work experience requirement set forth in this Section, a contractor engaged in the construction, demolition, or dismantling of surface structures must successfully complete an examination concerning the Department's health and safety regulations as these regulations pertain to the contractor's responsibilities, which shall be administered by the Mining Board. Temporary certification may be issued by the Mining Board for persons with at least 2 years of the required work experience and shall be valid until the time of the next examination or for a maximum of 6 months, whichever is shorter.

(225 ILCS 705/38.5 new)

Sec. 38.5. Independent contractor supervisor. On or after July 1, 2006, it shall be unlawful for an operator of an underground coal mine surface facility or a surface coal mine facility to employ an independent contractor who does not have an independent contractor supervisor certificate issued by the Mining Board to oversee and supervise the work for which the services of an independent contractor have been obtained, including, but not limited to, work in the area of construction, demolition, repair or maintenance, or major renovations of existing facilities or other heavy or extensive work planned for an extended period of time.

Each applicant for an independent contractor supervisor certificate must provide proof of at least 2 years of experience in independent contract work at surface mines or at the surface of underground mines and successfully complete an examination based on the mining laws of this State as these laws pertain to the applicant's responsibilities, which shall be administered by the Mining Board. Temporary certification may be issued by the Mining Board for persons with at least 2 years of the required work experience and shall be valid until the time of the next examination or for a maximum of 6 months, whichever is shorter.

Independent contractors employed to engage in routine maintenance work within a facility, including, but not limited to, plumbing repair, roof repair, and carpentry work, are not required to possess an independent contractor supervisor certificate to engage in such routine maintenance work within a facility.

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 2317. 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 Reitz offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 2317 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois is amended by changing Section 805-410 as follows:

(20 ILCS 805/805-410) (was 20 ILCS 805/63a32)

Sec. 805-410. Local bank accounts.

(a) The Department has the power to establish local bank or savings and loan association accounts, upon the written authorization of the Director, to temporarily hold income received at any of its properties. Local accounts established pursuant to this Section shall be in the name of the Department and shall be subject to regular audits. The balance in a local bank or savings and loan association account shall be forwarded to the

Department for deposit with the State Treasurer on Monday of each week if the amount to be deposited in a fund exceeds \$500.

(b) No bank or savings and loan association shall receive public funds as permitted by this Section unless it has complied with the requirements established pursuant to Section 6 of the Public Funds Investment Act.

(c) Subsection (a) of this Section does not apply to a local bank account established under this Section for the World Shooting and Recreational Complex that is used to hold income received before and during a competitive shooting event, to pay out cash prizes for the same event for which the income was received, or to purchase prizes for that event. The local bank account shall be in the name of the Department and shall be subjected to regular audits.

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

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 3127. 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 Mathias offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 3127 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-1425 as follows:

(625 ILCS 5/11-1425) (from Ch. 95 1/2, par. 11-1425)

Sec. 11-1425. Stop when traffic obstructed.

(a) No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed.

(b) No driver shall enter a highway rail grade crossing unless there is sufficient space on the other side of the highway rail grade crossing to accommodate the vehicle being operated without obstructing the passage of a train or other railroad equipment using the rails, notwithstanding any traffic-control signal indication to proceed. ~~Any person found in violation of subsection (b) shall be subject to a mandatory fine of \$500 or 50 hours of community service.~~

~~(c) (Blank). Local authorities shall impose fines as established in subsection (b) for persons found in violation of this Section or any similar local ordinance.~~

(d) Beginning with the effective date of this amendatory Act of the 94th General Assembly, the Secretary of State shall suspend for a period of one month the driving privileges of any person convicted of a violation of this Section or a similar provision of a local ordinance; the Secretary shall suspend for a period of 3 months the driving privileges of any person convicted of a second or subsequent violation of this Section or a similar provision of a local ordinance if the second or subsequent violation occurs within 5 years of a prior conviction for the same offense. In addition to the suspensions authorized by this Section, any person convicted of violating this Section or a similar provision of a local ordinance shall be subject to a mandatory fine of \$500 or 50 hours of community service. Upon a second or subsequent violation, in addition to the suspensions authorized by this Section, the person shall be subject to a mandatory fine of \$500 and 50 hours community service. The Secretary may also grant, for the duration of any suspension issued under this subsection, a restricted driving permit granting the privilege of driving a motor vehicle between the driver's residence and place of employment or within other proper limits that the Secretary of State shall find necessary to avoid any undue hardship. A restricted driving permit issued hereunder shall be subject to cancellation, revocation and suspension by the Secretary of State in like manner and for like cause as a driver's license may be cancelled, revoked or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension or cancellation of the restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. Any conviction for a violation of this subsection shall be included as an offense for the purposes of determining suspension action under any other provision of

this Code, provided however, that the penalties provided under this subsection shall be imposed unless those penalties imposed under other applicable provisions are greater.

The owner of any vehicle alleged to have violated this Section shall, upon appropriate demand by the State's Attorney or other authorized prosecutor acting in response to a signed complaint, provide a written statement or deposition identifying the operator of the vehicle if such operator was not the owner at the time of the alleged violation. Failure to supply such information shall be construed to be the same as a violation of this Section and shall be subject to the same penalties herein provided. In the event the owner has assigned control for the use of the vehicle to another, the person to whom control was assigned shall comply with the provisions of this paragraph and be subject to the same penalties as herein provided.
(Source: P.A. 91-532, eff. 1-1-00.)"

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 4391. 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 Churchill offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 4391 on page 3, line 25, by inserting after the period the following:

"A violation of subsection (a)(13) of this Section by a person under 13 years of age at the time of the commission of the offense is a petty offense. A second or subsequent violation of subsection (a)(13) of this Section by a person under 13 years of age at the time of the commission of the offense is a Class A misdemeanor."

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 4457. Having been recalled on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Joyce offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 4457 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Ice Cream Truck Worker Registration Act.

Section 5. Intent. It is the intent of the General Assembly to ensure that individuals who are employed as workers upon an ice cream truck operating in the State of Illinois be persons of good character and not pose a threat or danger to patrons by establishing a process whereby ice cream truck workers, as defined in this Act, must apply for a registration card from the State of Illinois.

Section 10. Definitions. As used in this Act:

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

"Ice cream truck" means a motor vehicle engaged in the curbside vending or sale of frozen or refrigerated desserts, confections, or novelties commonly known as ice cream or prepackaged candies, prepackaged snack foods, or soft drinks, primarily intended for the sale to children under 12 years of age.

"Ice cream truck worker" means any individual employed as a worker upon an ice cream truck, including the driver of an ice cream truck.

Section 15. Ice Cream Truck Worker Identification Card. Subject to annual appropriation to the Department for costs incurred under this Act, beginning January 1, 2007, every ice cream truck worker

must apply for an Ice Cream Truck Worker Identification Card. The person shall apply to the Department on forms provided by the Department. There shall be no cost for application for or issuance of an Ice Cream Truck Worker Identification Card. The applicant may work as an ice cream truck worker pending issuance of an Ice Cream Truck Worker Identification Card. If the Department denies the application, the applicant may not be employed as an ice cream truck worker in the State of Illinois. If the application is approved, the Department shall send the card to the applicant. If the application is denied, the Department shall send a notice of denial to the applicant. The Department shall send a duplicate copy of any card issued and any notice of denial to the ice cream truck employer listed on the identification card application. The Department shall establish a process for appeal and administrative review of any application denial.

Section 20. Ice Cream Truck Worker Identification Card application. The Department shall provide application forms for persons applying for an Ice Cream Truck Worker Identification Card. The form shall request only the following information:

- (1) name;
- (2) address;
- (3) date of birth; and
- (4) name and address of current ice cream truck employer.

Section 25. Criminal history records check. The Department shall require that each applicant for an Ice Cream Truck Worker Identification Card must, as a condition of initial employment, submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police criminal history records databases and the Federal Bureau of Investigation criminal history records databases. The Department of State Police shall provide information concerning any criminal charges and their disposition, now and hereafter filed, against an applicant to the Department. Applicants who have completed the fingerprinting process under this Section shall not be subjected to the fingerprinting process subsequent to obtaining an Ice Cream Truck Worker Identification Card. The ice cream truck employer of each applicant is solely responsible for payment of any fee charged by the Department of State Police for conducting the criminal history records check, which shall not exceed the cost of the inquiry.

Section 30. Persons prohibited from obtaining Ice Cream Truck Worker Identification Card. An application for an Ice Cream Truck Worker Identification Card shall be denied if the applicant (i) has ever been convicted of any offense set forth in Article 11 of the Criminal Code of 1961, (ii) is a registered sex offender as defined in the Sex Offender Registration Act, or (iii) has ever been convicted of any offense set forth in Article 9 of the Criminal Code of 1961.

Section 35. Ice cream truck worker requirements. Each ice cream truck worker, in addition to applying for an Ice Cream Truck Worker Identification Card, must:

- (1) be at least 16 years of age;
- (2) have completed any employment application required by the ice cream truck owner;
- (3) be in possession of a valid driver's license;
- (4) if required by the ice cream truck owner, wear a standard operator's uniform that identifies the individual as an ice cream truck worker; and
- (5) be lawfully able to work in Illinois and, if not a United States citizen, be currently permitted to work by the U.S. Citizenship and Immigration Services.

Section 40. Responsibility of ice cream truck owner for failure of employee to comply with this Act. An ice cream truck owner shall not be responsible for any information submitted by an employee or for the failure of an employee to apply or qualify for and Ice Cream Truck Worker Identification Card. An ice cream truck owner shall not be liable to an employee for any of the requirements imposed by this Act.

Section 45. Copies of Ice Cream Truck Worker Identification Cards for municipalities and counties. An ice cream truck owner, upon the request of the municipality or county within which the ice cream truck is to operate must provide copies of all Ice Cream Truck Worker Identification Cards for employees who will work upon the ice cream truck. The municipality or county must request copies of Ice Cream Truck Worker Identification Cards at least 14 days before the ice cream truck is to begin operating within the municipality or county. If the ice cream truck owner has provided copies of Ice Cream Truck Worker Identification Cards and a permit is necessary for lawful operation of the ice cream truck, the issuance of a permit may not be delayed or denied on the basis that an ice cream truck owner has failed to provide the name, address, or background of or any other information related to ice cream truck workers.

Section 50. Penalties. Any person who knowingly violates any provision of this Act is guilty of a Class A misdemeanor.

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 4544. Having been recalled on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

Floor Amendment No. 1 was withdrawn in the Committee on Human Services.

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

AMENDMENT NO. 2. Amend House Bill 4544 by replacing everything after the enacting clause with the following:

"Section 5. The Abandoned Newborn Infant Protection Act is amended by changing Sections 10, 15, 20, 25, 27, 30, 35, 40, 50, 55, and 65 as follows:

(325 ILCS 2/10)

Sec. 10. Definitions. In this Act:

"Abandon" has the same meaning as in the Abused and Neglected Child Reporting Act.

"Abused child" has the same meaning as in the Abused and Neglected Child Reporting Act.

"Child-placing agency" means a licensed public or private agency that receives a child for the purpose of placing or arranging for the placement of the child in a foster family home or other facility for child care, apart from the custody of the child's parents.

"Department" or "DCFS" means the Illinois Department of Children and Family Services.

"Emergency medical facility" means a freestanding emergency center or trauma center, as defined in the Emergency Medical Services (EMS) Systems Act.

"Emergency medical professional" includes licensed physicians, and any emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, trauma nurse specialist, and pre-hospital RN, as defined in the Emergency Medical Services (EMS) Systems Act.

"Fire station" means a fire station within the State that is staffed with at least one full-time emergency medical professional.

"Hospital" has the same meaning as in the Hospital Licensing Act.

"House of worship" means a building that is routinely used for religious ceremonies and worship services.

"Legal custody" means the relationship created by a court order in the best interest of a newborn infant that imposes on the infant's custodian the responsibility of physical possession of the infant, the duty to protect, train, and discipline the infant, and the duty to provide the infant with food, shelter, education, and medical care, except as these are limited by parental rights and responsibilities.

"Neglected child" has the same meaning as in the Abused and Neglected Child Reporting Act.

"Newborn infant" means a child who a licensed physician reasonably believes is 72 hours old or less at the time the child is initially relinquished to a house of worship, hospital, police station, fire station, or emergency medical facility, and who is not an abused or a neglected child.

"Police station" means a municipal police station or a county sheriff's office.

"Relinquish" means to bring a newborn infant, who a licensed physician reasonably believes is 72 hours old or less, to a house of worship, hospital, police station, fire station, or emergency medical facility and to leave the infant with personnel of the facility, if the person leaving the infant does not express an intent to return for the infant or states that he or she will not return for the infant. In the case of a mother who gives birth to an infant in a hospital, the mother's act of leaving that newborn infant at the hospital (i) without expressing an intent to return for the infant or (ii) stating that she will not return for the infant is not a "relinquishment" under this Act.

"Temporary protective custody" means the temporary placement of a newborn infant within a hospital or other medical facility out of the custody of the infant's parent.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 93-820, eff. 7-27-04.)

(325 ILCS 2/15)

Sec. 15. Presumptions.

(a) There is a presumption that by relinquishing a newborn infant in accordance with this Act, the infant's parent consents to the termination of his or her parental rights with respect to the infant.

(b) There is a presumption that a person relinquishing a newborn infant in accordance with this Act:

(1) is the newborn infant's biological parent; and

(2) either without expressing an intent to return for the infant or expressing an intent not to return for the infant, did intend to relinquish the infant to the house of worship, hospital, police station, fire station, or emergency medical facility to treat, care for, and provide for the infant in accordance with this Act.

(c) A parent of a relinquished newborn infant may rebut the presumption set forth in either subsection (a) or subsection (b) pursuant to Section 55, at any time before the termination of the parent's parental rights.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 93-820, eff. 7-27-04.)

(325 ILCS 2/20)

Sec. 20. Procedures with respect to relinquished newborn infants.

(a) Hospitals. Every hospital must accept and provide all necessary emergency services and care to a relinquished newborn infant, in accordance with this Act. The hospital shall examine a relinquished newborn infant and perform tests that, based on reasonable medical judgment, are appropriate in evaluating whether the relinquished newborn infant was abused or neglected.

The act of relinquishing a newborn infant serves as implied consent for the hospital and its medical personnel and physicians on staff to treat and provide care for the infant.

The hospital shall be deemed to have temporary protective custody of a relinquished newborn infant until the infant is discharged to the custody of a child-placing agency or the Department.

(b) Fire stations and emergency medical facilities. Every fire station and emergency medical facility must accept and provide all necessary emergency services and care to a relinquished newborn infant, in accordance with this Act.

The act of relinquishing a newborn infant serves as implied consent for the fire station or emergency medical facility and its emergency medical professionals to treat and provide care for the infant, to the extent that those emergency medical professionals are trained to provide those services.

After the relinquishment of a newborn infant to a fire station or emergency medical facility, the fire station or emergency medical facility's personnel must arrange for the transportation of the infant to the nearest hospital as soon as transportation can be arranged.

If the parent of a newborn infant returns to reclaim the child within 72 hours after relinquishing the child to a fire station or emergency medical facility, the fire station or emergency medical facility must inform the parent of the name and location of the hospital to which the infant was transported.

(c) Police stations. Every police station must accept a relinquished newborn infant, in accordance with this Act. After the relinquishment of a newborn infant to a police station, the police station must arrange for the transportation of the infant to the nearest hospital as soon as transportation can be arranged. The act of relinquishing a newborn infant serves as implied consent for the hospital to which the infant is transported and that hospital's medical personnel and physicians on staff to treat and provide care for the infant.

If the parent of a newborn infant returns to reclaim the infant within 72 hours after relinquishing the infant to a police station, the police station must inform the parent of the name and location of the hospital to which the infant was transported.

(d) Houses of worship. A house of worship may accept a relinquished newborn infant only if it has been authorized to do so under this Act by the Department. After the relinquishment of a newborn infant to a house of worship, the house of worship must arrange for the transportation of the infant to the nearest hospital as soon as transportation can be arranged. The act of relinquishing a newborn infant serves as implied consent for the hospital to which the infant is transported and that hospital's medical personnel and physicians on staff to treat and provide care for the infant. If the parent of a newborn infant returns to reclaim the infant within 72 hours after relinquishing the infant to a house of worship, the house of worship must inform the parent of the name and location of the hospital to which the infant was transported.

The Department shall adopt rules setting forth the criteria, standards, and procedures for authorizing houses of worship to accept relinquished newborn infants under this Act and for designating or identifying those houses of worship as places where a parent may relinquish a newborn infant under this Act. The rules shall include the following provisions:

(1) A house of worship must apply to the Department for authorization to accept relinquished newborn infants.

(2) The authorization shall be valid for no longer than one year, and a house of worship must apply for renewed authorization for each succeeding year.

(3) A house of worship shall be subject to inspection by the Department at the time of an initial or renewed authorization to verify that it meets the criteria and standards established by the Department for the acceptance of relinquished newborn infants.

(4) Only a house of worship that has been authorized by the Department to accept relinquished newborn infants under this Act may conduct a public information campaign to alert the public about the provisions of this subsection.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 93-820, eff. 7-27-04.)

(325 ILCS 2/25)

Sec. 25. Immunity for relinquishing person.

(a) The act of relinquishing a newborn infant to a house of worship, hospital, police station, fire station, or emergency medical facility in accordance with this Act does not, by itself, constitute a basis for a finding of abuse, neglect, or abandonment of the infant pursuant to the laws of this State nor does it, by itself, constitute a violation of Section 12-21.5 or 12-21.6 of the Criminal Code of 1961.

(b) If there is suspected child abuse or neglect that is not based solely on the newborn infant's relinquishment to a house of worship, hospital, police station, fire station, or emergency medical facility, the personnel of the house of worship, hospital, police station, fire station, or emergency medical facility who are mandated reporters under the Abused and Neglected Child Reporting Act must report the abuse or neglect pursuant to that Act.

(c) Neither a child protective investigation nor a criminal investigation may be initiated solely because a newborn infant is relinquished pursuant to this Act.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 93-820, eff. 7-27-04.)

(325 ILCS 2/27)

Sec. 27. Immunity of facility and personnel. A house of worship, hospital, police station, fire station, or emergency medical facility, and any personnel of a house of worship, hospital, police station, fire station, or emergency medical facility, are immune from criminal or civil liability for acting in good faith in accordance with this Act. Nothing in this Act limits liability for negligence for care and medical treatment.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 93-820, eff. 7-27-04.)

(325 ILCS 2/30)

Sec. 30. Anonymity of relinquishing person. If there is no evidence of abuse or neglect of a relinquished newborn infant, the relinquishing person has the right to remain anonymous and to leave the house of worship, hospital, police station, fire station, or emergency medical facility at any time and not be pursued or followed. Before the relinquishing person leaves the house of worship, hospital, police station, fire station, or emergency medical facility, the house of worship, hospital, police station, fire station, or emergency medical facility personnel shall (i) verbally inform the relinquishing person that by relinquishing the child anonymously, he or she will have to petition the court if he or she desires to prevent the termination of parental rights and regain custody of the child and (ii) shall offer the relinquishing person the information packet described in Section 35 of this Act. However, nothing in this Act shall be construed as precluding the relinquishing person from providing his or her identity or completing the application forms for the Illinois Adoption Registry and Medical Information Exchange and requesting that the house of worship, hospital, police station, fire station, or emergency medical facility forward those forms to the Illinois Adoption Registry and Medical Information Exchange.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 93-820, eff. 7-27-04.)

(325 ILCS 2/35)

Sec. 35. Information for relinquishing person. A house of worship, hospital, police station, fire station, or emergency medical facility that receives a newborn infant relinquished in accordance with this Act must offer an information packet to the relinquishing person and, if possible, must clearly inform the relinquishing person that his or her acceptance of the information is completely voluntary, that registration with the Illinois Adoption Registry and Medical Information Exchange is voluntary, that the person will remain anonymous if he or she completes a Denial of Information Exchange, and that the person has the option to provide medical information only and still remain anonymous. The information packet must include all of the following:

(1) All Illinois Adoption Registry and Medical Information Exchange application forms, including the Medical Information Exchange Questionnaire and the web site address and toll-free phone number of the Registry.

(2) Written notice of the following:

(A) No sooner than 60 days following the date of the initial relinquishment of the infant to a house of worship, hospital, police station, fire station, or emergency medical facility, the child-placing agency or the Department will commence proceedings for the termination of parental rights and placement of the infant for adoption.

(B) Failure of a parent of the infant to contact the Department and petition for the return of custody of the infant before termination of parental rights bars any future action asserting legal rights with respect to the infant.

(3) A resource list of providers of counseling services including grief counseling, pregnancy counseling, and counseling regarding adoption and other available options for placement of the infant.

Upon request, the Department of Public Health shall provide the application forms for the Illinois Adoption Registry and Medical Information Exchange to houses of worship, hospitals, police stations, fire stations, and emergency medical facilities.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 93-820, eff. 7-27-04.)

(325 ILCS 2/40)

Sec. 40. Reporting requirements.

(a) Within 12 hours after accepting a newborn infant from a relinquishing person or from a house of worship, police station, fire station, or emergency medical facility in accordance with this Act, a hospital must report to the Department's State Central Registry for the purpose of transferring physical custody of the infant from the hospital to either a child-placing agency or the Department.

(b) Within 24 hours after receiving a report under subsection (a), the Department must request assistance from law enforcement officials to investigate the matter using the National Crime Information Center to ensure that the relinquished newborn infant is not a missing child.

(c) Once a hospital has made a report to the Department under subsection (a), the Department must arrange for a licensed child-placing agency to accept physical custody of the relinquished newborn infant.

(d) If a relinquished child is not a newborn infant as defined in this Act, the hospital and the Department must proceed as if the child is an abused or neglected child.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 93-820, eff. 7-27-04.)

(325 ILCS 2/50)

Sec. 50. Child-placing agency procedures.

(a) The Department's State Central Registry must maintain a list of licensed child-placing agencies willing to take legal custody of newborn infants relinquished in accordance with this Act. The child-placing agencies on the list must be contacted by the Department on a rotating basis upon notice from a hospital that a newborn infant has been relinquished in accordance with this Act.

(b) Upon notice from the Department that a newborn infant has been relinquished in accordance with this Act, a child-placing agency must accept the newborn infant if the agency has the accommodations to do so. The child-placing agency must seek an order for legal custody of the infant upon its acceptance of the infant.

(c) Within 3 business days after assuming physical custody of the infant, the child-placing agency shall file a petition in the division of the circuit court in which petitions for adoption would normally be heard. The petition shall allege that the newborn infant has been relinquished in accordance with this Act and shall state that the child-placing agency intends to place the infant in an adoptive home.

(d) If no licensed child-placing agency is able to accept the relinquished newborn infant, then the Department must assume responsibility for the infant as soon as practicable.

(e) A custody order issued under subsection (b) shall remain in effect until a final adoption order based on the relinquished newborn infant's best interests is issued in accordance with this Act and the Adoption Act.

(f) When possible, the child-placing agency must place a relinquished newborn infant in a prospective adoptive home.

(g) The Department or child-placing agency must initiate proceedings to (i) terminate the parental rights of the relinquished newborn infant's known or unknown parents, (ii) appoint a guardian for the infant, and (iii) obtain consent to the infant's adoption in accordance with this Act no sooner than 60 days following the date of the initial relinquishment of the infant to the house of worship, hospital, police station, fire station, or emergency medical facility.

(h) Before filing a petition for termination of parental rights, the Department or child-placing agency must do the following:

(1) Search its Putative Father Registry for the purpose of determining the identity and

location of the putative father of the relinquished newborn infant who is, or is expected to be, the subject of an adoption proceeding, in order to provide notice of the proceeding to the putative father. At least one search of the Registry must be conducted, at least 30 days after the relinquished newborn infant's estimated date of birth; earlier searches may be conducted, however. Notice to any potential putative father discovered in a search of the Registry according to the estimated age of the relinquished newborn infant must be in accordance with Section 12a of the Adoption Act.

(2) Verify with law enforcement officials, using the National Crime Information Center, that the relinquished newborn infant is not a missing child.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 93-820, eff. 7-27-04.)

(325 ILCS 2/55)

Sec. 55. Petition for return of custody.

(a) A parent of a newborn infant relinquished in accordance with this Act may petition for the return of custody of the infant before the termination of parental rights with respect to the infant.

(b) A parent of a newborn infant relinquished in accordance with this Act may petition for the return of custody of the infant by contacting the Department for the purpose of obtaining the name of the child-placing agency and then filing a petition for return of custody in the circuit court in which the proceeding for the termination of parental rights is pending.

(c) If a petition for the termination of parental rights has not been filed by the Department or the child-placing agency, the parent of the relinquished newborn infant must contact the Department, which must notify the parent of the appropriate court in which the petition for return of custody must be filed.

(d) The circuit court may hold the proceeding for the termination of parental rights in abeyance for a period not to exceed 60 days from the date that the petition for return of custody was filed without a showing of good cause. During that period:

(1) The court shall order genetic testing to establish maternity or paternity, or both.

(2) The Department shall conduct a child protective investigation and home study to develop recommendations to the court.

(3) When indicated as a result of the Department's investigation and home study, further proceedings under the Juvenile Court Act of 1987 as the court determines appropriate, may be conducted. However, relinquishment of a newborn infant in accordance with this Act does not render the infant abused, neglected, or abandoned solely because the newborn infant was relinquished to a house of worship, hospital, police station, fire station, or emergency medical facility in accordance with this Act.

(e) Failure to file a petition for the return of custody of a relinquished newborn infant before the termination of parental rights bars any future action asserting legal rights with respect to the infant unless the parent's act of relinquishment that led to the termination of parental rights involved fraud perpetrated against and not stemming from or involving the parent. No action to void or revoke the termination of parental rights of a parent of a newborn infant relinquished in accordance with this Act, including an action based on fraud, may be commenced after 12 months after the date that the newborn infant was initially relinquished to a house of worship, hospital, police station, fire station, or emergency medical facility.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 93-820, eff. 7-27-04.)

(325 ILCS 2/65)

Sec. 65. Evaluation.

(a) The Department shall collect and analyze information regarding the relinquishment of newborn infants and placement of children under this Act. Houses of worship, police ~~Police~~ stations, fire stations, emergency medical facilities, and medical professionals accepting and providing services to a newborn infant under this Act shall report to the Department data necessary for the Department to evaluate and determine the effect of this Act in the prevention of injury or death of newborn infants. Child-placing agencies shall report to the Department data necessary to evaluate and determine the effectiveness of these agencies in providing child protective and child welfare services to newborn infants relinquished under this Act.

(b) The information collected shall include, but need not be limited to: the number of newborn infants relinquished; the services provided to relinquished newborn infants; the outcome of care for the relinquished newborn infants; the number and disposition of cases of relinquished newborn infants subject to placement; the number of children accepted and served by child-placing agencies; and the services provided by child-placing agencies and the disposition of the cases of the children placed under this Act.

(c) The Department shall submit a report by January 1, 2002, and on January 1 of each year thereafter, to the Governor and General Assembly regarding the prevention of injury or death of newborn infants and the effect of placements of children under this Act. The report shall include, but need not be limited to, a

summary of collected data, an analysis of the data and conclusions regarding the Act's effectiveness, a determination whether the purposes of the Act are being achieved, and recommendations for changes that may be considered necessary to improve the administration and enforcement of this Act.

(Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; 93-820, eff. 7-27-04.)"

Section 10. The Abused and Neglected Child Reporting Act is amended by changing Section 4 as follows:

(325 ILCS 5/4) (from Ch. 23, par. 2054)

Sec. 4. Persons required to report; privileged communications; transmitting false report. Any physician, resident, intern, hospital, hospital administrator and personnel engaged in examination, care and treatment of persons, surgeon, dentist, dentist hygienist, osteopath, chiropractor, podiatrist, physician assistant, substance abuse treatment personnel, funeral home director or employee, coroner, medical examiner, emergency medical technician, acupuncturist, crisis line or hotline personnel, school personnel, educational advocate assigned to a child pursuant to the School Code, truant officers, social worker, social services administrator, domestic violence program personnel, registered nurse, licensed practical nurse, genetic counselor, respiratory care practitioner, advanced practice nurse, home health aide, director or staff assistant of a nursery school or a child day care center, recreational program or facility personnel, law enforcement officer, licensed professional counselor, licensed clinical professional counselor, registered psychologist and assistants working under the direct supervision of a psychologist, psychiatrist, or field personnel of the Illinois Department of ~~Healthcare and Family Services~~ ~~Public Aid~~, Public Health, Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities, Rehabilitation Services, or Public Aid), Corrections, Human Rights, or Children and Family Services, supervisor and administrator of general assistance under the Illinois Public Aid Code, probation officer, or any other foster parent, homemaker or child care worker having reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department.

Any member of the clergy having reasonable cause to believe that a child known to that member of the clergy in his or her professional capacity may be an abused child as defined in item (c) of the definition of "abused child" in Section 3 of this Act shall immediately report or cause a report to be made to the Department.

Any personnel of a house of worship that accepts the relinquishment of a newborn infant pursuant to the Abandoned Newborn Infant Protection Act shall immediately report the relinquishment to the Department or cause such a report to be made to the Department. As used in this paragraph, "house of worship" has the meaning ascribed to that term in the Abandoned Newborn Infant Protection Act.

Whenever such person is required to report under this Act in his capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, or as a member of the clergy, he shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.

The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act.

A member of the clergy may claim the privilege under Section 8-803 of the Code of Civil Procedure.

In addition to the above persons required to report suspected cases of abused or neglected children, any other person may make a report if such person has reasonable cause to believe a child may be an abused child or a neglected child.

Any person who enters into employment on and after July 1, 1986 and is mandated by virtue of that employment to report under this Act, shall sign a statement on a form prescribed by the Department, to the effect that the employee has knowledge and understanding of the reporting requirements of this Act. The statement shall be signed prior to commencement of the employment. The signed statement shall be retained by the employer. The cost of printing, distribution, and filing of the statement shall be borne by the employer.

The Department shall provide copies of this Act, upon request, to all employers employing persons who shall be required under the provisions of this Section to report under this Act.

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". Any person who violates this provision a second or subsequent time shall be guilty of a Class 3 felony.

Any person who knowingly and willfully violates any provision of this Section other than a second or subsequent violation of transmitting a false report as described in the preceding paragraph, is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation; except that if the person acted as part of a plan or scheme having as its object the prevention of discovery of an abused or neglected child by lawful authorities for the purpose of protecting or insulating any person or entity from arrest or prosecution, the person is guilty of a Class 4 felony for a first offense and a Class 3 felony for a second or subsequent offense (regardless of whether the second or subsequent offense involves any of the same facts or persons as the first or other prior offense).

A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices such beliefs.

A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code, as amended.
(Source: P.A. 92-16, eff. 6-28-01; 92-801, eff. 8-16-02; 93-137, eff. 7-10-03; 93-356, eff. 7-24-03; 93-431, eff. 8-5-03; 93-1041, eff. 9-29-04; revised 12-15-05.)"

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.

HOUSE BILL 4680. 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 4680 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Sections 12-15 and 12-16 as follows:

(720 ILCS 5/12-15) (from Ch. 38, par. 12-15)

Sec. 12-15. Criminal sexual abuse.

(a) The accused commits criminal sexual abuse if he or she:

- (1) commits an act of sexual conduct by the use of force or threat of force; or
- (2) commits an act of sexual conduct and the accused knew that the victim was unable to understand the nature of the act or was unable to give knowing consent.

(b) The accused commits criminal sexual abuse if the accused was under 17 years of age and commits an act of sexual penetration or sexual conduct with a victim who was at least 9 years of age but under 17 years of age when the act was committed.

(c) The accused commits criminal sexual abuse if he or she commits an act of sexual penetration or sexual conduct with a victim who was at least 13 years of age but under 17 years of age and the accused was less than 5 years older than the victim.

(c-5) The accused commits criminal sexual abuse if he or she commits an act of sexual conduct with a victim who is at least 18 years of age and under 21 years of age when the act was committed and who is a student attending classes at a public or private secondary school and the accused held a position of trust, authority, or supervision in relation to the victim at the same school.

(d) Sentence. Criminal sexual abuse for a violation of subsection (b) or (c) of this Section is a Class A misdemeanor. Criminal sexual abuse for a violation of paragraph (1) or (2) of subsection (a) or subsection (c-5) of this Section is a Class 4 felony. A second or subsequent conviction for a violation of subsection (a) of this Section is a Class 2 felony. For purposes of this Section it is a second or subsequent conviction if the accused has at any time been convicted under this Section or under any similar statute of this State or any other state for any offense involving sexual abuse or sexual assault that is substantially equivalent to or more serious than the sexual abuse prohibited under this Section.

(Source: P.A. 91-389, eff. 1-1-00.)

(720 ILCS 5/12-16) (from Ch. 38, par. 12-16)
Sec. 12-16. Aggravated Criminal Sexual Abuse.

(a) The accused commits aggravated criminal sexual abuse if he or she commits criminal sexual abuse as defined in subsection (a) of Section 12-15 of this Code and any of the following aggravating circumstances existed during, or for the purposes of paragraph (7) of this subsection (a) as part of the same course of conduct as, the commission of the offense:

(1) the accused displayed, threatened to use or used a dangerous weapon or any object fashioned or utilized in such a manner as to lead the victim under the circumstances reasonably to believe it to be a dangerous weapon; or

(2) the accused caused bodily harm to the victim; or

(3) the victim was 60 years of age or over when the offense was committed; or

(4) the victim was a physically handicapped person; or

(5) the accused acted in such a manner as to threaten or endanger the life of the victim or any other person; or

(6) the criminal sexual abuse was perpetrated during the course of the commission or attempted commission of any other felony by the accused; or

(7) the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance.

(b) The accused commits aggravated criminal sexual abuse if he or she commits an act of sexual conduct with a victim who was under 18 years of age when the act was committed and the accused was a family member.

(c) The accused commits aggravated criminal sexual abuse if:

(1) the accused was 17 years of age or over and (i) commits an act of sexual conduct with a victim who was under 13 years of age when the act was committed; or (ii) commits an act of sexual conduct with a victim who was at least 13 years of age but under 17 years of age when the act was committed and the accused used force or threat of force to commit the act; or

(2) the accused was under 17 years of age and (i) commits an act of sexual conduct with a victim who was under 9 years of age when the act was committed; or (ii) commits an act of sexual conduct with a victim who was at least 9 years of age but under 17 years of age when the act was committed and the accused used force or threat of force to commit the act.

(d) The accused commits aggravated criminal sexual abuse if he or she commits an act of sexual penetration or sexual conduct with a victim who was at least 13 years of age but under 17 years of age and the accused was at least 5 years older than the victim.

(e) The accused commits aggravated criminal sexual abuse if he or she commits an act of sexual conduct with a victim who was a severely or profoundly mentally retarded person at the time the act was committed.

(f) The accused commits aggravated criminal sexual abuse if he or she commits an act of sexual conduct with a victim who was at least 13 years of age but under 18 years of age when the act was committed and the accused was 17 years of age or over and held a position of trust, authority or supervision in relation to the victim.

(f-5) The accused commits aggravated criminal sexual abuse if he or she commits an act of sexual penetration with a victim who is at least 18 years of age and under 21 years of age when the act was committed and who is a student attending classes at a public or private secondary school and the accused held a position of trust, authority, or supervision in relation to the victim at the same school.

(g) Sentence. Aggravated criminal sexual abuse is a Class 2 felony.

(Source: P.A. 92-434, eff. 1-1-02.)"

Representative Jenisch offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 4680, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 2, line 2, by replacing "21" with "20"; and on page 4, line 17, by replacing "21" with "20".

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 4894. Having been recalled on February 24, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Joseph Lyons offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 4894, AS AMENDED, in Section 10, Sec. 30, subsec. (f), the sentence beginning "All inspections and", by replacing "All inspections" with "Inspections"; and in Section 10, Sec. 30, subsec. (f), immediately after the sentence beginning "The requirements of", by inserting the following:

"This subsection (f) does not apply to cursory weekly and monthly inspections of gauges and control valves conducted in accordance with the standards of the National Fire Protection Association."

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.

HOUSE BILL 4835. 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 Saviano offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 4835 on page 5, line 35, after the period, by inserting "Local authorities desiring the establishment of an automated railroad crossing enforcement system must initiate the process by enacting a local ordinance requesting the creation of such a system. After the ordinance has been enacted, and before any additional steps toward the establishment of the system are undertaken, the local authorities, the Commission, and the Department must agree to a plan for obtaining, from any combination of federal, State, and local funding sources, the moneys required for the purchase and installation of any necessary equipment.".

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

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

Representative Saviano offered the following amendment and moved its adoption.

AMENDMENT NO. 4. Amend House Bill 4835, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 6-306.5, 11-208, 11-208.3, and 11-306 and adding Sections 1-105.2 and 11-208.6 as follows:

(625 ILCS 5/1-105.2 new)

Sec. 1-105.2. Automated traffic law violation. A violation described in Section 11-208.6 of this Code.

(625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

Sec. 6-306.5. Failure to pay fine or penalty for standing, parking, ~~or~~ compliance, or automated traffic law violations; suspension of driving privileges.

(a) Upon receipt of a certified report, as prescribed by subsection (c) of this Section, from any municipality stating that the owner of a registered vehicle has: (1) failed to pay any fine or penalty due and owing as a result of 10 or more violations of a municipality's vehicular standing, parking, or compliance regulations established by ordinance pursuant to Section 11-208.3 of this Code, or (2) failed to pay any fine or penalty due and owing as a result of 5 offenses for automated traffic violations as defined in Section 11-208.6, the Secretary of State shall suspend the driving privileges of such person in accordance with the procedures set forth in this Section. The Secretary shall also suspend the driving privileges of an owner of a registered vehicle upon receipt of a certified report, as prescribed by subsection (f) of this Section, from any municipality stating that such person has failed to satisfy any fines or penalties imposed by final judgments

for 5 or more automated traffic law violations or 10 or more violations of local standing, parking, or compliance regulations after exhaustion of judicial review procedures.

(b) Following receipt of the certified report of the municipality as specified in this Section, the Secretary of State shall notify the person whose name appears on the certified report that the person's drivers license will be suspended at the end of a specified period of time unless the Secretary of State is presented with a notice from the municipality certifying that the fine or penalty due and owing the municipality has been paid or that inclusion of that person's name on the certified report was in error. The Secretary's notice shall state in substance the information contained in the municipality's certified report to the Secretary, and shall be effective as specified by subsection (c) of Section 6-211 of this Code.

(c) The report of the appropriate municipal official notifying the Secretary of State of unpaid fines or penalties pursuant to this Section shall be certified and shall contain the following:

(1) The name, last known address as recorded with the Secretary of State, as provided

by the lessor of the cited vehicle at the time of lease, or as recorded in a United States Post Office approved database if any notice sent under Section 11-208.3 of this Code is returned as undeliverable, and drivers license number of the person who failed to pay the fine or penalty and the registration number of any vehicle known to be registered to such person in this State.

(2) The name of the municipality making the report pursuant to this Section.

(3) A statement that the municipality sent a notice of impending drivers license suspension as prescribed by ordinance enacted pursuant to Section 11-208.3, to the person named in the report at the address recorded with the Secretary of State or at the last address known to the lessor of the cited vehicle at the time of lease or, if any notice sent under Section 11-208.3 of this Code is returned as undeliverable, at the last known address recorded in a United States Post Office approved database; the date on which such notice was sent; and the address to which such notice was sent. In a municipality with a population of 1,000,000 or more, the report shall also include a statement that the alleged violator's State vehicle registration number and vehicle make, if specified on the automated traffic law violation notice, are correct as they appear on the citations.

(d) Any municipality making a certified report to the Secretary of State pursuant to this Section shall notify the Secretary of State, in a form prescribed by the Secretary, whenever a person named in the certified report has paid the previously reported fine or penalty or whenever the municipality determines that the original report was in error. A certified copy of such notification shall also be given upon request and at no additional charge to the person named therein. Upon receipt of the municipality's notification or presentation of a certified copy of such notification, the Secretary of State shall terminate the suspension.

(e) Any municipality making a certified report to the Secretary of State pursuant to this Section shall also by ordinance establish procedures for persons to challenge the accuracy of the certified report. The ordinance shall also state the grounds for such a challenge, which may be limited to (1) the person not having been the owner or lessee of the vehicle or vehicles receiving 10 or more standing, parking, or compliance violation notices or 5 or more automated traffic law violations on the date or dates such notices were issued; and (2) the person having already paid the fine or penalty for the 10 or more standing, parking, or compliance violations or 5 or more automated traffic law violations indicated on the certified report.

(f) Any municipality, other than a municipality establishing vehicular standing, parking, and compliance regulations pursuant to Section 11-208.3 or automated traffic law regulations under Section 11-208.6, may also cause a suspension of a person's drivers license pursuant to this Section. Such municipality may invoke this sanction by making a certified report to the Secretary of State upon a person's failure to satisfy any fine or penalty imposed by final judgment for 10 or more violations of local standing, parking, or compliance regulations or 5 or more automated traffic law violations after exhaustion of judicial review procedures, but only if:

(1) the municipality complies with the provisions of this Section in all respects except in regard to enacting an ordinance pursuant to Section 11-208.3;

(2) the municipality has sent a notice of impending drivers license suspension as prescribed by an ordinance enacted pursuant to subsection (g) of this Section; and

(3) in municipalities with a population of 1,000,000 or more, the municipality has verified that the alleged violator's State vehicle registration number and vehicle make are correct as they appear on the citations.

(g) Any municipality, other than a municipality establishing standing, parking, and compliance regulations pursuant to Section 11-208.3 or automated traffic law regulations under Section 11-208.6, may provide by ordinance for the sending of a notice of impending drivers license suspension to the person who has failed to satisfy any fine or penalty imposed by final judgment for 10 or more violations of local

standing, parking, or compliance regulations or 5 or more automated traffic law violations after exhaustion of judicial review procedures. An ordinance so providing shall specify that the notice sent to the person liable for any fine or penalty shall state that failure to pay the fine or penalty owing within 45 days of the notice's date will result in the municipality notifying the Secretary of State that the person's drivers license is eligible for suspension pursuant to this Section. The notice of impending drivers license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State or at the last address known to the lessor of the cited vehicle at the time of lease or, if any notice sent under Section 11-208.3 of this Code is returned as undeliverable, to the last known address recorded in a United States Post Office approved database.

(h) An administrative hearing to contest an impending suspension or a suspension made pursuant to this Section may be had upon filing a written request with the Secretary of State. The filing fee for this hearing shall be \$20, to be paid at the time the request is made. A municipality which files a certified report with the Secretary of State pursuant to this Section shall reimburse the Secretary for all reasonable costs incurred by the Secretary as a result of the filing of the report, including but not limited to the costs of providing the notice required pursuant to subsection (b) and the costs incurred by the Secretary in any hearing conducted with respect to the report pursuant to this subsection and any appeal from such a hearing.

(i) The provisions of this Section shall apply on and after January 1, 1988.

(j) For purposes of this Section, the term "compliance violation" is defined as in Section 11-208.3.

(Source: P.A. 94-294, eff. 1-1-06.)

(625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

Sec. 11-208. Powers of local authorities.

(a) The provisions of this Code shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles, except as limited by Section 11-1306 of this Act;
2. Regulating traffic by means of police officers or traffic control signals;
3. Regulating or prohibiting processions or assemblages on the highways;
4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;
5. Regulating the speed of vehicles in public parks subject to the limitations set forth in Section 11-604;
6. Designating any highway as a through highway, as authorized in Section 11-302, and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection or a yield right-of-way intersection and requiring all vehicles to stop or yield the right-of-way at one or more entrances to such intersections;
7. Restricting the use of highways as authorized in Chapter 15;
8. Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;
9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
10. Altering the speed limits as authorized in Section 11-604;
11. Prohibiting U-turns;
12. Prohibiting pedestrian crossings at other than designated and marked crosswalks or at intersections;
13. Prohibiting parking during snow removal operation;
14. Imposing fines in accordance with Section 11-1301.3 as penalties for use of any parking place reserved for persons with disabilities, as defined by Section 1-159.1, or disabled veterans by any person using a motor vehicle not bearing registration plates specified in Section 11-1301.1 or a special decal or device as defined in Section 11-1301.2 as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran;
15. Adopting such other traffic regulations as are specifically authorized by this Code; or
16. Enforcing the provisions of subsection (f) of Section 3-413 of this Code or a similar local ordinance.

(b) No ordinance or regulation enacted under subsections 1, 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective until signs giving reasonable notice of such local traffic regulations are posted.

(c) The provisions of this Code shall not prevent any municipality having a population of 500,000 or

more inhabitants from prohibiting any person from driving or operating any motor vehicle upon the roadways of such municipality with headlamps on high beam or bright.

(d) The provisions of this Code shall not be deemed to prevent local authorities within the reasonable exercise of their police power from prohibiting, on private property, the unauthorized use of parking spaces reserved for persons with disabilities.

(e) No unit of local government, including a home rule unit, may enact or enforce an ordinance that applies only to motorcycles if the principal purpose for that ordinance is to restrict the access of motorcycles to any highway or portion of a highway for which federal or State funds have been used for the planning, design, construction, or maintenance of that highway. No unit of local government, including a home rule unit, may enact an ordinance requiring motorcycle users to wear protective headgear. Nothing in this subsection (e) shall affect the authority of a unit of local government to regulate motorcycles for traffic control purposes or in accordance with Section 12-602 of this Code. No unit of local government, including a home rule unit, may regulate motorcycles in a manner inconsistent with this Code. This subsection (e) 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 functions exercised by the State.

(f) A municipality or county designated in Section 11-208.6 may enact an ordinance providing for an automated traffic law enforcement system to enforce violations of this Code or a similar provision of a local ordinance and imposing liability on a registered owner of a vehicle used in such a violation.

(Source: P.A. 90-106, eff. 1-1-98; 90-513, eff. 8-22-97; 90-655, eff. 7-30-98; 91-519, eff. 1-1-00.)

(625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

Sec. 11-208.3. Administrative adjudication of violations of traffic regulations concerning the standing, parking, or condition of vehicles and automated traffic law violations.

(a) Any municipality may provide by ordinance for a system of administrative adjudication of vehicular standing and parking violations and vehicle compliance violations as defined in this subsection and automated traffic law violations as defined in Section 11-208.6. The administrative system shall have as its purpose the fair and efficient enforcement of municipal regulations through the administrative adjudication of automated traffic law violations and violations of municipal ordinances regulating the standing and parking of vehicles, the condition and use of vehicle equipment, and the display of municipal wheel tax licenses within the municipality's borders. The administrative system shall only have authority to adjudicate civil offenses carrying fines not in excess of \$250 that occur after the effective date of the ordinance adopting such a system under this Section. For purposes of this Section, "compliance violation" means a violation of a municipal regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal wheel tax license.

(b) Any ordinance establishing a system of administrative adjudication under this Section shall provide for:

(1) A traffic compliance administrator authorized to adopt, distribute and process parking, ~~and~~ compliance, and automated traffic law violation notices and other notices required by this Section, collect money paid as fines and penalties for violation of parking and compliance ordinances and automated traffic law violations, and operate an administrative adjudication system. The traffic compliance administrator also may make a certified report to the Secretary of State under Section 6-306.5.

(2) A parking, standing, ~~or~~ compliance, or automated traffic law violation notice that shall specify the date,

time, and place of violation of a parking, standing, or compliance, or automated traffic law regulation; the particular regulation violated; the fine and any penalty that may be assessed for late payment, when so provided by ordinance; the vehicle make and state registration number; and the identification number of the person issuing the notice. With regard to automated traffic law violations, vehicle make shall be specified on the automated traffic law violation notice if the make is available and readily discernible. With regard to municipalities with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the State registration number or vehicle make specified is incorrect. The violation notice shall state that the payment of the indicated fine, and of any applicable penalty for late payment, shall operate as a final disposition of the violation. The notice also shall contain information as to the availability of a hearing in which the violation may be contested on its merits. The violation notice shall specify the time and manner in which a hearing may be had.

(3) Service of the parking, standing, or compliance violation notice by affixing the original or a facsimile of the notice to an unlawfully parked vehicle or by handing the notice to the operator of a vehicle if he or she is present and service of an automated traffic law violation notice by

mail to the address of the registered owner of the cited vehicle as recorded with the Secretary of State within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation. A person authorized by ordinance to issue and serve parking, standing, and compliance violation notices shall certify as to the correctness of the facts entered on the violation notice by signing his or her name to the notice at the time of service or in the case of a notice produced by a computerized device, by signing a single certificate to be kept by the traffic compliance administrator attesting to the correctness of all notices produced by the device while it was under his or her control. In the case of an automated traffic law violation, the ordinance shall require a determination by a technician employed or contracted by the municipality or county that, based on inspection of recorded images, the motor vehicle was being operated in violation of Section 11-208.6 or a local ordinance. If the technician determines that the vehicle entered the intersection as part of a funeral procession or in order to yield the right-of-way to an emergency vehicle, a citation shall not be issued. The original or a facsimile of the violation notice or, in the case of a notice produced by a computerized device, a printed record generated by the device showing the facts entered on the notice, shall be retained by the traffic compliance administrator, and shall be a record kept in the ordinary course of business. A parking, standing, ~~or compliance~~ or automated traffic law violation notice issued, signed and served in accordance with this Section, a copy of the notice, or the computer generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice. The notice, copy, or computer generated record shall be admissible in any subsequent administrative or legal proceedings.

(4) An opportunity for a hearing for the registered owner of the vehicle cited in the parking, standing, ~~or compliance~~ or automated traffic law violation notice in which the owner may contest the merits of the alleged violation, and during which formal or technical rules of evidence shall not apply; provided, however, that under Section 11-1306 of this Code the lessee of a vehicle cited in the violation notice likewise shall be provided an opportunity for a hearing of the same kind afforded the registered owner. The hearings shall be recorded, and the person conducting the hearing on behalf of the traffic compliance administrator shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at a hearing under this Section may be represented by counsel at their expense. The ordinance may also provide for internal administrative review following the decision of the hearing officer.

(5) Service of additional notices, sent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database, or, under Section 11-1306 of this Code, to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of lease or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database. The service shall be deemed complete as of the date of deposit in the United States mail. The notices shall be in the following sequence and shall include but not be limited to the information specified herein:

(i) A second notice of parking, standing, or compliance violation. This notice shall specify the date and location

of the violation cited in the parking, standing, or compliance violation notice, the particular regulation violated, the vehicle make and state registration number, the fine and any penalty that may be assessed for late payment when so provided by ordinance, the availability of a hearing in which the violation may be contested on its merits, and the time and manner in which the hearing may be had. The notice of violation shall also state that failure either to pay the indicated fine and any applicable penalty, or to appear at a hearing on the merits in the time and manner specified, will result in a final determination of violation liability for the cited violation in the amount of the fine or penalty indicated, and that, upon the occurrence of a final determination of violation liability for the failure, and the exhaustion of, or failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the municipality.

(ii) A notice of final determination of parking, standing, ~~or compliance~~ or automated traffic law violation

liability. This notice shall be sent following a final determination of parking, standing, ~~or compliance~~ or automated traffic law violation liability and the conclusion of judicial review procedures taken under this Section. The notice shall state that the unpaid fine or penalty is a debt due and owing the municipality. The notice shall contain warnings that failure to pay any fine or penalty due and owing

the municipality within the time specified may result in the municipality's filing of a petition in the Circuit Court to have the unpaid fine or penalty rendered a judgment as provided by this Section, or may result in suspension of the person's drivers license for failure to pay fines or penalties for 10 or more parking violations under Section 6-306.5 or 5 or more automated traffic law violations under Section 11-208.6.

(6) A Notice of impending drivers license suspension. This notice shall be sent to the person liable for any fine or penalty that remains due and owing on 10 or more parking violations or 5 or more unpaid automated traffic law violations. The notice shall state that failure to pay the fine or penalty owing within 45 days of the notice's date will result in the municipality notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of this Code. The notice shall also state that the person may obtain a photostatic copy of an original ticket imposing a fine or penalty by sending a self addressed, stamped envelope to the municipality along with a request for the photostatic copy. The notice of impending drivers license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database.

(7) Final determinations of violation liability. A final determination of violation liability shall occur following failure to pay the fine or penalty after a hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures provided by ordinance. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the hearing officer's determination of violation liability shall become final: (A) upon denial of a timely petition to set aside that determination, or (B) upon expiration of the period for filing the petition without a filing having been made.

(8) A petition to set aside a determination of parking, standing, ~~or compliance~~ , or automated traffic law violation

liability that may be filed by a person owing an unpaid fine or penalty. The petition shall be filed with and ruled upon by the traffic compliance administrator in the manner and within the time specified by ordinance. The grounds for the petition may be limited to: (A) the person not having been the owner or lessee of the cited vehicle on the date the violation notice was issued, (B) the person having already paid the fine or penalty for the violation in question, and (C) excusable failure to appear at or request a new date for a hearing. With regard to municipalities with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the State registration number, or vehicle make if specified, is incorrect. After the determination of parking, standing, ~~or compliance~~ , or automated traffic law violation liability has been set aside upon a showing of just cause, the registered owner shall be provided with a hearing on the merits for that violation.

(9) Procedures for non-residents. Procedures by which persons who are not residents of the municipality may contest the merits of the alleged violation without attending a hearing.

(10) A schedule of civil fines for violations of vehicular standing, parking, ~~and~~ compliance, or automated traffic law regulations enacted by ordinance pursuant to this Section, and a schedule of penalties for late payment of the fines, provided, however, that the total amount of the fine and penalty for any one violation shall not exceed \$250.

(11) Other provisions as are necessary and proper to carry into effect the powers granted and purposes stated in this Section.

(c) Any municipality establishing vehicular standing, parking, ~~and~~ compliance, or automated traffic law regulations under this Section may also provide by ordinance for a program of vehicle immobilization for the purpose of facilitating enforcement of those regulations. The program of vehicle immobilization shall provide for immobilizing any eligible vehicle upon the public way by presence of a restraint in a manner to prevent operation of the vehicle. Any ordinance establishing a program of vehicle immobilization under this Section shall provide:

(1) Criteria for the designation of vehicles eligible for immobilization. A vehicle shall be eligible for immobilization when the registered owner of the vehicle has accumulated the number of unpaid final determinations of parking, standing, ~~or compliance~~ , or automated traffic law violation liability as determined by ordinance.

(2) A notice of impending vehicle immobilization and a right to a hearing to challenge the validity of the notice by disproving liability for the unpaid final determinations of parking, standing, ~~or compliance~~ , or automated traffic law violation liability listed on the notice.

(3) The right to a prompt hearing after a vehicle has been immobilized or subsequently

towed without payment of the outstanding fines and penalties on parking, standing, ~~or~~ compliance or automated traffic law violations for which final determinations have been issued. An order issued after the hearing is a final administrative decision within the meaning of Section 3-101 of the Code of Civil Procedure.

(4) A post immobilization and post-towing notice advising the registered owner of the vehicle of the right to a hearing to challenge the validity of the impoundment.

(d) Judicial review of final determinations of parking, standing, ~~and~~ compliance or automated traffic law violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made under this Section shall be subject to the provisions of the Administrative Review Law.

(e) Any fine, penalty, or part of any fine or any penalty remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies created under this Section and the conclusion of any judicial review procedures shall be a debt due and owing the municipality and, as such, may be collected in accordance with applicable law. Payment in full of any fine or penalty resulting from a standing, parking, ~~or~~ compliance or automated traffic law violation shall constitute a final disposition of that violation.

(f) After the expiration of the period within which judicial review may be sought for a final determination of parking, standing, ~~or~~ compliance or automated traffic law violation, the municipality may commence a proceeding in the Circuit Court for purposes of obtaining a judgment on the final determination of violation. Nothing in this Section shall prevent a municipality from consolidating multiple final determinations of parking, standing, ~~or~~ compliance or automated traffic law violations violation against a person in a proceeding. Upon commencement of the action, the municipality shall file a certified copy or record of the final determination of parking, standing, ~~or~~ compliance or automated traffic law violation, which shall be accompanied by a certification that recites facts sufficient to show that the final determination of violation was issued in accordance with this Section and the applicable municipal ordinance. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines and penalties for final determinations of parking, standing, ~~or~~ compliance or automated traffic law violations does not exceed \$2500. If the court is satisfied that the final determination of parking, standing, ~~or~~ compliance or automated traffic law violation was entered in accordance with the requirements of this Section and the applicable municipal ordinance, and that the registered owner or the lessee, as the case may be, had an opportunity for an administrative hearing and for judicial review as provided in this Section, the court shall render judgment in favor of the municipality and against the registered owner or the lessee for the amount indicated in the final determination of parking, standing, ~~or~~ compliance or automated traffic law violation, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money.

(Source: P.A. 94-294, eff. 1-1-06.)

(625 ILCS 5/11-208.6 new)

Sec. 11-208.6. Automated traffic law enforcement system.

(a) As used in this Section, "automated traffic law enforcement system" means a device with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a red signal indication in violation of Section 11-306 of this Code or a similar provision of a local ordinance.

An automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.

(c) A county or municipality, including a home rule county or municipality, may not use an automated traffic enforcement system to provide recorded images of a motor vehicle for the purpose of recording its speed. This subsection (c) is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.

(d) For each violation of a provision of this Code or a local ordinance recorded by an automatic traffic

law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

The notice shall include:

- (1) the name and address of the registered owner of the vehicle;
- (2) the registration number of the motor vehicle involved in the violation;
- (3) the violation charged;
- (4) the location where the violation occurred;
- (5) the date and time of the violation;
- (6) a copy of the recorded images;
- (7) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;
- (8) a statement that recorded images are evidence of a violation of a red light signal;
- (9) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in a suspension of the driving privileges of the registered owner of the vehicle; and
- (10) a statement that the person may elect to proceed by:
 - (A) paying the fine; or
 - (B) challenging the charge in court, by mail, or by administrative hearing.

(e) If a person charged with a traffic violation, as a result of an automated traffic law enforcement system, does not pay or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5 of this Code for failing to pay any fine or penalty due and owing as a result of 5 violations of the automated traffic law enforcement system.

(f) Based on inspection of recorded images produced by an automated traffic law enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(g) Recorded images made by an automatic traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(h) The court or hearing officer may consider in defense of a violation:

- (1) that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner at the time of the violation;
- (2) that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession; and
- (3) any other evidence or issues provided by municipal or county ordinance.

(i) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(j) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding \$100, plus an additional penalty of not more than \$100 for failure to pay the original penalty in a timely manner, if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle.

(k) An intersection equipped with an automated traffic law enforcement system must be posted with a sign visible to approaching traffic indicating that the intersection is being monitored by an automated traffic law enforcement system.

(l) The compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(m) This Section applies only to the counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and to municipalities located within those counties.

(625 ILCS 5/11-306) (from Ch. 95 1/2, par. 11-306)

Sec. 11-306. Traffic-control signal legend. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or color lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green indication.

1. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. Vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

2. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

3. Unless otherwise directed by a pedestrian-control signal, as provided in Section 11-307, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady yellow indication.

1. Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

2. Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 11-307, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(c) Steady red indication.

1. Except as provided in paragraph 3 of this subsection (c), vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection, and shall remain standing until an indication to proceed is shown.

2. Except as provided in paragraph 3 of this subsection (c), vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection, and shall remain standing until an indication permitting the movement indicated by such red arrow is shown.

3. Except when a sign is in place prohibiting a turn and local authorities by ordinance or State authorities by rule or regulation prohibit any such turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by paragraph 1 or paragraph 2 of this subsection. After stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction or roadways. Such driver shall yield the right of way to pedestrians within the intersection or an adjacent crosswalk.

4. Unless otherwise directed by a pedestrian-control signal as provided in Section 11-307, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.

~~5. A municipality with a population of 1,000,000 or more may enact an ordinance that provides for the use of an automated red light enforcement system to enforce violations of this subsection (c) that result in or involve a motor vehicle accident, leaving the scene of a motor vehicle accident, or reckless driving that results in bodily injury.~~

~~This paragraph 5 is subject to prosecutorial discretion that is consistent with applicable law.~~

(d) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to provisions which by their nature can have no application. Any stop required shall be at a traffic sign or a marking on the pavement indicating where the stop shall be made or, in the absence of such sign or marking, the stop shall be made at the signal.

(e) The motorman of any streetcar shall obey the above signals as applicable to vehicles.
(Source: P.A. 90-86, eff. 7-10-97; 91-357, eff. 7-29-99.)
(625 ILCS 5/1-105.5 rep.)

Section 10. The Illinois Vehicle Code is amended by repealing Section 1-105.5.
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 Amendments numbered 1 and 4 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 4948. 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.

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

Representative Washington offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend House Bill 4948, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-212 as follows:
(625 ILCS 5/11-212)

Sec. 11-212. Traffic stop statistical study.

(a) From January 1, 2004 until December 31, 2007, whenever a State or local law enforcement officer issues a uniform traffic citation or warning citation for an alleged violation of the Illinois Vehicle Code, he or she shall record at least the following:

- (1) the name, address, gender, and the officer's subjective determination of the race of the person stopped; the person's race shall be selected from the following list: Caucasian, African-American, Hispanic, Native American/Alaska Native, or Asian/Pacific Islander;
- (2) the alleged traffic violation that led to the stop of the motorist;
- (3) the make and year of the vehicle stopped;
- (4) the date and time of the stop;
- (5) the location of the traffic stop;
- (6) whether or not a search contemporaneous to the stop was conducted of the vehicle, driver, passenger, or passengers; and, if so, whether it was with consent or by other means; and
- (7) the name and badge number of the issuing officer.

(b) From January 1, 2004 until December 31, 2007, whenever a State or local law enforcement officer stops a motorist for an alleged violation of the Illinois Vehicle Code and does not issue a uniform traffic citation or warning citation for an alleged violation of the Illinois Vehicle Code, he or she shall complete a uniform stop card, which includes field contact cards, or any other existing form currently used by law enforcement containing information required pursuant to this Act, that records at least the following:

- (1) the name, address, gender, and the officer's subjective determination of the race of the person stopped; the person's race shall be selected from the following list: Caucasian, African-American, Hispanic, Native American/Alaska Native, or Asian/Pacific Islander;
- (2) the reason that led to the stop of the motorist;
- (3) the make and year of the vehicle stopped;
- (4) the date and time of the stop;
- (5) the location of the traffic stop;
- (6) whether or not a search contemporaneous to the stop was conducted of the vehicle, driver, passenger, or passengers; and, if so, whether it was with consent or by other means; and
- (7) the name and badge number of the issuing officer.

(c) The Illinois Department of Transportation shall provide a standardized law enforcement data compilation form on its website.

(d) Every law enforcement agency shall, by March 1 in each of the years 2004, 2005, 2006, and 2007, compile the data described in subsections (a) and (b) on the standardized law enforcement data compilation form provided by the Illinois Department of Transportation and transmit the data to the Department. If a

local law enforcement agency neglects or fails to transmit its data in a timely manner or neglects or fails to accurately compile and submit data, then the Department of Transportation shall withhold 1% of the motor fuel tax revenue otherwise distributed monthly under 35 ILCS 505/8(e) to the municipality or county of which the local law enforcement agency is a part, but only if the local law enforcement agency is under the jurisdiction and control of the municipality or county, until such time as the Department of Transportation is satisfied that the report has been accurately compiled and submitted. The Department of Transportation shall adopt any rules as may be necessary to implement the withholding and subsequent release of motor fuel tax distributions as authorized under this Section.

(e) The Illinois Department of Transportation shall analyze the data provided by law enforcement agencies required by this Section and submit a report of the findings to the Governor, the General Assembly, and each law enforcement agency no later than July 1 in each of the years 2005, 2006, 2007, and 2008. The Illinois Department of Transportation may contract with an outside entity for the analysis of the data provided. In analyzing the data collected under this Section, the analyzing entity shall scrutinize the data for evidence of statistically significant aberrations. The following list, which is illustrative, and not exclusive, contains examples of areas in which statistically significant aberrations may be found:

- (1) The percentage of minority drivers or passengers being stopped in a given area is substantially higher than the proportion of the overall population in or traveling through the area that the minority constitutes.
- (2) A substantial number of false stops including stops not resulting in the issuance of a traffic ticket or the making of an arrest.
- (3) A disparity between the proportion of citations issued to minorities and proportion of minorities in the population.
- (4) A disparity among the officers of the same law enforcement agency with regard to the number of minority drivers or passengers being stopped in a given area.
- (5) A disparity between the frequency of searches performed on minority drivers and the frequency of searches performed on non-minority drivers.

(f) Any law enforcement officer identification information or driver identification information that is compiled by any law enforcement agency or the Illinois Department of Transportation pursuant to this Act for the purposes of fulfilling the requirements of this Section shall be confidential and exempt from public inspection and copying, as provided under Section 7 of the Freedom of Information Act, and the information shall not be transmitted to anyone except as needed to comply with this Section. This Section shall not exempt those materials that, prior to the effective date of this amendatory Act of the 93rd General Assembly, were available under the Freedom of Information Act.

(g) Funding to implement this Section shall come from federal highway safety funds available to Illinois, as directed by the Governor.

(h) The Illinois Department of Transportation, in consultation with law enforcement agencies, officials, and organizations, including Illinois chiefs of police, the Department of State Police, the Illinois Sheriffs Association, and the Chicago Police Department, and community groups and other experts, shall undertake a study to determine the best use of technology to collect, compile, and analyze the traffic stop statistical study data required by this Section. The Department shall report its findings and recommendations to the Governor and the General Assembly by March 1, 2004.

(Source: P.A. 93-209, eff. 7-18-03.)

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 5245. Having been recalled on February 28, 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 Brauer offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend House Bill 5245, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, by replacing line 8 with the following:

"Sec. 2310-342. Umbilical cord blood donations.

(a) Subject to"; and

on page 2, after line 5, by inserting the following:

"(b) In developing the publications required under subsection (a), the Department of Public Health shall consult with an organization of physicians licensed to practice medicine in all its branches and consumer groups. The Department shall update the publications every 2 years."

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 5257. Having been recalled on March 1, 2006, and held on the order of Second Reading, the same was again taken up.

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

AMENDMENT NO. 1. Amend House Bill 5257 by replacing Section 5 of the bill with the following:

"Section 5. The Simplified Municipal Telecommunications Tax Act is amended by changing Section 5-7 as follows:

(35 ILCS 636/5-7)

Sec. 5-7. Definitions. For purposes of the taxes authorized by this Act:

"Amount paid" means the amount charged to the taxpayer's service address in such municipality regardless of where such amount is billed or paid.

"Department" means the Illinois Department of Revenue.

"Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in such municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel termination point within a municipality that has imposed a tax under this Section and charges for the portion of the inter-office channels provided within that municipality. Charges for that portion of the inter-office channel connecting 2 or more channel termination points, one or more of which is located within the jurisdictional boundary of such municipality, shall be determined by the retailer by multiplying an amount equal to the total charge for the inter-office channel by a fraction, the numerator of which is the number of channel termination points that are located within the jurisdictional boundary of the municipality and the denominator of which is the total number of channel termination points connected by the inter-office channel. Prior to January 1, 2004, any method consistent with this paragraph or other method that reasonably apportions the total charges for inter-office channels among the municipalities in which channel termination points are located shall be accepted as a reasonable method to determine the taxable portion of an inter-office channel provided within a municipality for that period. However, "gross charge" shall not include any of the following:

(1) Any amounts added to a purchaser's bill because of a charge made pursuant to: (i) the tax imposed by this Act, (ii) the tax imposed by the Telecommunications Excise Tax Act, (iii) the tax imposed by Section 4251 of the Internal Revenue Code, (iv) 911 surcharges, or (v) charges added to customers' bills pursuant to the provisions of Section 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act.

(2) Charges for a sent collect telecommunication received outside of such municipality.

(3) Charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form

or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement.

(4) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges.

(5) Charges to business enterprises certified as exempt under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and ~~Economic Opportunity~~ ~~Community Affairs~~.

(6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Act has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service.

(7) Bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made).

(8) Charges paid by inserting coins in coin-operated telecommunication devices.

(9) Amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.

(10) Charges for nontaxable services or telecommunications if (i) those charges are aggregated with other charges for telecommunications that are taxable, (ii) those charges are not separately stated on the customer bill or invoice, and (iii) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

"Interstate telecommunications" means all telecommunications that either originate or terminate outside this State.

"Intrastate telecommunications" means all telecommunications that originate and terminate within this State.

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute, or any city, town, county, or other political subdivision of this State.

"Purchase at retail" means the acquisition, consumption or use of telecommunications through a sale at retail.

"Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Section. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

"Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

"Sale at retail" means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the Federal and

State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

"Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent. "Service address" includes the 9-digit enhanced United States postal zip code.

"Taxpayer" means a person who individually or through his or her agents, employees, or permittees engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by this Act.

"Telecommunications", in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this Act, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be non-taxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

(Source: P.A. 92-526, eff. 7-1-02; 92-878, eff. 1-1-04; 93-286, eff. 1-1-04; revised 12-6-03.)".

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 5377. 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 5377 by replacing everything after the enacting clause with the following:

"Section 5. The Mobile Home Landlord and Tenant Rights Act is amended by adding Section 6.3 as follows:

(765 ILCS 745/6.3 new)

Sec. 6.3. Minimum lease terms of required written lease. If a mobile home park is held or owned by a publicly traded entity; an entity that is listed for trading on the New York Stock Exchange or on the American Stock Exchange; or an entity that is a national market system security traded under an automated inter-dealer quotation system operated by the National Association of Securities Dealers; then the following lease requirements shall apply:

(a) No person shall offer a mobile home or lot for rent or sale in a mobile home park without having first exhibited to the prospective tenant or purchaser a copy of the lease or sales agreement applicable to the respective mobile home park.

(b) The park owner shall be required to offer to each present and future tenant a written lease for a term of not less than 2 years, unless the parties agree to a different term subject to existing leases which shall be continued pursuant to their terms.

(c) A prospective tenant who executes a lease pursuant to this Section may cancel the lease by notifying the park owner in writing within 5 business days after the prospective tenant's execution of the lease. The park owner shall return any down payment, security deposit, or rent paid by the prospective tenant within 10 days after receiving the written cancellation. If the park owner enters into an agreement to sell a mobile home to a prospective tenant or lease it to a prospective tenant with an option to purchase, the prospective tenant may cancel the sale or lease-purchase agreement along with the lease by notifying the park owner in writing within 5 business days after the prospective tenant's execution of the lease. The park owner shall, within 10 days after receiving the written cancellation, refund all consideration paid by the prospective tenant and cancel any debt relating to the purchase or lease of the mobile home.

(d) The maximum amount that a park owner may recover as damages for a tenant's early termination of a lease is 2 months rent. However, if the lot is leased to another tenant within 20 days of vacating, the damages shall be a maximum of rent for one month.

(e) In the lease, the park owner shall fully and clearly set forth the amounts or methods of determining any rental increases for any and all renewals of the lease.

(f) The park owner shall not charge or impose upon a tenant any fee or increase in rent which reflects the cost to the park owner of any fine, forfeiture, penalty, money damages, or fee assessed or awarded by a court of law against the park owner, including any attorney's fees and costs incurred by the park owner in connection therewith.

(g) Tenants in possession on the effective date of this amendatory Act of the 94th General Assembly shall have 30 days after receipt of the offer for a written lease within which to accept or reject such offer; during which period, the rent may not be increased or any other terms and conditions changed, except as permitted under this Act; providing that if the tenant has not so elected he shall vacate within the 30 day period.

(h) The park owner shall notify its tenants in writing not later than 30 days after the effective date of this amendatory Act of the 94th General Assembly, that a written lease shall be available to the tenant and that such lease is being offered in compliance with and will conform to the requirements of this amendatory Act of the 94th General Assembly.

(i) If a tenant leaves a mobile home park temporarily because of illness or disability, the park owner shall allow a relative or relatives, designated by the tenant or the tenant's guardian or representative, to live in the home until such time as the tenant is able to return, so long as the terms of the lease continue to be met.

(j) Renewal of lease. At the expiration of a lease, including one that is a renewal of a previous lease, the lease shall be renewed automatically for a term of 2 years with the same terms as the previous lease, unless:

(1) the tenant notifies the park owner 30 days prior to the expiration of the lease that he or she does not intend to renew the lease;

(2) the park owner notifies the tenant 30 days prior to the expiration of the lease that the lease will not be renewed and specifies in writing one or more of the following reasons: violation of park rules; violation of health and safety codes; or irregular or non-payment of rent;

(3) the park owner seeks to change the terms of the agreement pursuant to subsections (k), (l), and (m), in which case the procedures set forth in those subsections shall apply; or

(4) the park owner elects to cease the operation of either all or a portion of the mobile home park. The tenants shall be entitled to at least 12 months notice of the cessation of operations. If 12 months or more remain on the existing lease at the time of notice, the tenant is entitled to the balance of the term of his or her lease. If there are less than 12 months remaining in the term of his or her lease, the tenant is entitled to the balance of his or her lease plus a written month-to-month tenancy, at the expiring lease rate to provide him or her with a full 12 months notice.

(k) Six months prior to the expiration of the lease, the park owner shall offer the tenant a renewal lease with a term of at least 2 years with the proposed rental amount and any fee or other lease changes for that term.

(l) If the tenant does not accept the new terms, the tenant may initiate a binding appraisal process

whereby a State certified general real estate appraiser, licensed pursuant to the Real Estate Licensing Act of 2002, agreed to by the tenant and park owner shall determine the fair market value of the rent and other fees over the next 2 years, based on the existing leases of other tenants in the same mobile home park and any discount that is necessary to reflect any future change in land use that the park owner has announced. The amount determined by the appraiser, including any built-in increases, shall be binding for the next 2 year period.

(m) A tenant whose existing lease does not comply with this Section shall, as soon as practical, be offered a 2 year lease that complies with this Act, effective on the termination of the existing lease. If the tenant does not accept the terms of the lease, the tenant may initiate a binding appraisal process, whereby a State certified general real estate appraiser, licensed pursuant to the Real Estate Licensing Act of 2002, agreed to by the tenant and park owner shall determine the fair market value of the rent and other fees over the next 2 years, based on new leases of other tenants in the same mobile home park and, if necessary, leases in comparable mobile home parks.

(n) All notices required under this Section shall be by certified mail or personal service. Certified mail shall be deemed to be effective upon the date of mailing.

(o) A tenant has 60 days from receipt of the renewal notice to initiate the binding appraisal process. If the appraisal process extends beyond the term of the original lease term, the tenant shall be a hold-over on a month-to-month lease under the terms of the original lease and the park owner shall be prohibited from taking any action inconsistent with that original lease.

(p) If the tenant or tenant association and the park owner fail to select an appraiser, pursuant to subsections (q) or (r), the circuit court in the county where the park is located, upon application of the park owner or tenant, shall appoint the appraiser.

(q) The appraiser's decision shall be a signed written document, with copies provided to both the park owner and tenant. The appraiser's decision shall equitably apportion expenses and fees incurred in the preparation of the appraisal between the park owner and tenant.

(r) The park owner and tenant have the right in the appraisal procedure to be represented by attorneys, or in the case of the tenant, by the tenant association.

(s) The park owner or tenant may seek court review of an appraisal that was conducted pursuant to this Section. The court may vacate or modify the appraiser's decision, establish the fair market value of the land, or grant any such other relief as the court deems just or appropriate.

(t) The provisions of this Section added by this amendatory Act of the 94th General Assembly are mutually dependent and inseverable. If any provision of this Section is held invalid, then this entire Section is invalid."

Representative Munson offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 5377, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Mobile Home Landlord and Tenant Rights Act is amended by changing Section 6 and by adding Section 6.3 as follows:

(765 ILCS 745/6) (from Ch. 80, par. 206)

Sec. 6. Obligation of Park Owner to Offer Written Lease. Except as provided in Section 6.3, no ~~No~~ person shall offer a mobile home or lot for rent or sale in a mobile home park without having first exhibited to the prospective tenant or purchaser a copy of the lease applicable to the respective mobile home park.

(a) The park owner shall be required to offer to each present and future tenant a written lease for a term of not less than 12 months, unless the parties agree to a different term subject to existing leases which shall be continued pursuant to their terms.

(b) Tenants in possession on the effective date of this Act shall have 30 days after receipt of the offer for a written lease within which to accept or reject such offer; during which period, the rent may not be increased or any other terms and conditions changed, except as permitted under this Act; providing that if the tenant has not so elected he shall vacate within the 30 day period.

(c) The park owner shall notify his tenants in writing not later than 30 days after the effective date of this Act, that a written lease shall be available to the tenant and that such lease is being offered in compliance with and will conform to the requirements of this Act.

(Source: P.A. 81-1509.)

(765 ILCS 745/6.3 new)

Sec. 6.3. Minimum lease terms of required written lease. If a mobile home park is held or owned by a

publicly traded entity on any national stock or securities exchange, then the following lease requirements shall apply:

(a) No person shall offer a mobile home or lot for rent or sale in a mobile home park without having first exhibited to the prospective tenant or purchaser a copy of the lease or sales agreement applicable to the respective mobile home park.

(b) The park owner shall be required to offer to each present and future tenant a written lease for a term of not less than 2 years, unless the parties agree to a different term subject to existing leases which shall be continued pursuant to their terms.

(c) A prospective tenant who executes a lease pursuant to this Section may cancel the lease by notifying the park owner in writing within 5 business days after the prospective tenant's execution of the lease. The park owner shall return any down payment, security deposit, or rent paid by the prospective tenant within 10 days after receiving the written cancellation. If the park owner enters into an agreement to sell a mobile home to a prospective tenant or lease it to a prospective tenant with an option to purchase, the prospective tenant may cancel the sale or lease-purchase agreement along with the lease by notifying the park owner in writing within 5 business days after the prospective tenant's execution of the lease. The park owner shall, within 10 days after receiving the written cancellation, refund all consideration paid by the prospective tenant and cancel any debt relating to the purchase or lease of the mobile home.

(d) The maximum amount that a park owner may recover as damages for a tenant's early termination of a lease is 2 months rent. However, if the lot is leased to another tenant within 20 days of vacating, the damages shall be a maximum of rent for one month.

(e) In the lease, the park owner shall fully and clearly set forth the amounts or methods of determining any rental increases for any and all renewals of the lease.

(f) The park owner shall not charge or impose upon a tenant any fee or increase in rent which reflects the cost to the park owner of any fine, forfeiture, penalty, money damages, or fee assessed or awarded by a court of law against the park owner, including any attorney's fees and costs incurred by the park owner in connection therewith.

(g) Tenants in possession on the effective date of this amendatory Act of the 94th General Assembly shall have 30 days after receipt of the offer for a written lease within which to accept or reject such offer; during which period, the rent may not be increased or any other terms and conditions changed, except as permitted under this Act; providing that if the tenant has not so elected he shall vacate within the 30 day period.

(h) The park owner shall notify its tenants in writing not later than 30 days after the effective date of this amendatory Act of the 94th General Assembly, that a written lease shall be available to the tenant and that such lease is being offered in compliance with and will conform to the requirements of this amendatory Act of the 94th General Assembly.

(i) If a tenant leaves a mobile home park temporarily because of illness or disability, the park owner shall allow a relative or relatives, designated by the tenant or the tenant's guardian or representative, to live in the home until such time as the tenant is able to return, so long as the terms of the lease continue to be met.

(j) Renewal of lease. At the expiration of a lease, including one that is a renewal of a previous lease, the lease shall be renewed automatically for a term of 2 years with the same terms as the previous lease, unless:

(1) the tenant notifies the park owner 30 days prior to the expiration of the lease that he or she does not intend to renew the lease;

(2) the park owner notifies the tenant 30 days prior to the expiration of the lease that the lease will not be renewed and specifies in writing one or more of the following reasons: violation of park rules; violation of health and safety codes; or irregular or non-payment of rent;

(3) the park owner seeks to change the terms of the agreement pursuant to subsections (k), (l), and (m), in which case the procedures set forth in those subsections shall apply; or

(4) the park owner elects to cease the operation of either all or a portion of the mobile home park. The tenants shall be entitled to at least 12 months notice of the cessation of operations. If 12 months or more remain on the existing lease at the time of notice, the tenant is entitled to the balance of the term of his or her lease. If there are less than 12 months remaining in the term of his or her lease, the tenant is entitled to the balance of his or her lease plus a written month-to-month tenancy, at the expiring lease rate to provide him or her with a full 12 months notice.

(k) Six months prior to the expiration of the lease, the park owner shall offer the tenant a renewal lease with a term of at least 2 years with the proposed rental amount and any fee or other lease changes for that

term.

(l) If the tenant does not accept the new terms, the tenant may initiate a binding appraisal process whereby a State certified general real estate appraiser, licensed pursuant to the Real Estate Licensing Act of 2002, agreed to by the tenant and park owner shall determine the fair market value of the rent and other fees over the next 2 years, based on the existing leases of other tenants in the same mobile home park and any discount that is necessary to reflect any future change in land use that the park owner has announced. The amount determined by the appraiser, including any built-in increases, shall be binding for the next 2 year period.

(m) A tenant whose existing lease does not comply with this Section shall, as soon as practical, be offered a 2 year lease that complies with this Act, effective on the termination of the existing lease. If the tenant does not accept the terms of the lease, the tenant may initiate a binding appraisal process, whereby a State certified general real estate appraiser, licensed pursuant to the Real Estate Licensing Act of 2002, agreed to by the tenant and park owner shall determine the fair market value of the rent and other fees over the next 2 years, based on new leases of other tenants in the same mobile home park and, if necessary, leases in comparable mobile home parks.

(n) All notices required under this Section shall be by certified mail or personal service. Certified mail shall be deemed to be effective upon the date of mailing.

(o) A tenant has 60 days from receipt of the renewal notice to initiate the binding appraisal process. If the appraisal process extends beyond the term of the original lease term, the tenant shall be a hold-over on a month-to-month lease under the terms of the original lease and the park owner shall be prohibited from taking any action inconsistent with that original lease.

(p) If the tenant or tenant association and the park owner fail to select an appraiser, pursuant to subsections (q) or (r), the circuit court in the county where the park is located, upon application of the park owner or tenant, shall appoint the appraiser.

(q) The appraiser's decision shall be a signed written document, with copies provided to both the park owner and tenant. The appraiser's decision shall equitably apportion expenses and fees incurred in the preparation of the appraisal between the park owner and tenant.

(r) The park owner and tenant have the right in the appraisal procedure to be represented by attorneys, or in the case of the tenant, by the tenant association.

(s) The park owner or tenant may seek court review of an appraisal that was conducted pursuant to this Section. The court may vacate or modify the appraiser's decision, establish the fair market value of the land, or grant any such other relief as the court deems just or appropriate.

(t) The provisions of this Section added by this amendatory Act of the 94th General Assembly are mutually dependent and inseverable. If any provision of this Section is held invalid, then this entire Section is invalid."

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 held on the order of Second Reading.

HOUSE BILL 5416. 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 Mathias offered the following amendments and moved their adoption.

AMENDMENT NO. 1. Amend House Bill 5416 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 2-3.137 (added by Public Act 94-225) and 3-14.20 as follows:

(105 ILCS 5/2-3.137)

Sec. 2-3.137. Inspection and review of school facilities; task force.

(a) The State Board of Education shall adopt rules for the documentation of school plan reviews and inspections of school facilities, including the responsible individual's signature. Such documents shall be kept on file by the regional superintendent of schools. The State Board of Education shall also adopt rules for the qualifications of persons performing the reviews and inspections, which must be consistent with the recommendations in the task force's report issued to the Governor and the General Assembly under

subsection (b) of this Section.

(b) The State Board of Education shall convene a task force for the purpose of reviewing the documents required under rules adopted under subsection (a) of this Section and making recommendations regarding training and accreditation of individuals performing reviews or inspections required under Section 2-3.12, 3-14.20, 3-14.21, or 3-14.22 of this Code, including regional superintendents of schools and others performing reviews or inspections under the authority of a regional superintendent (such as consultants, municipalities, and fire protection districts).

The task force shall consist of all of the following members:

- (1) The Executive Director of the Capital Development Board or his or her designee and a staff representative of the Division of Building Codes and Regulations.
- (2) The State Superintendent of Education or his or her designee.
- (3) A person appointed by the State Board of Education.
- (4) A person appointed by an organization representing school administrators.
- (5) A person appointed by an organization representing suburban school administrators and school board members.
- (6) A person appointed by an organization representing architects.
- (7) A person appointed by an organization representing regional superintendents of schools.
- (8) A person appointed by an organization representing fire inspectors.
- (9) A person appointed by an organization representing Code administrators.
- (10) A person appointed by an organization representing plumbing inspectors.
- (11) A person appointed by an organization that represents both parents and teachers.
- (12) A person appointed by an organization representing municipal governments in the State.
- (13) A person appointed by the State Fire Marshal from his or her office.
- (14) A person appointed by an organization representing fire chiefs.
- (15) The Director of Public Health or his or her designee.
- (16) A person appointed by an organization representing structural engineers.
- (17) A person appointed by an organization representing professional engineers.

The task force shall issue a report of its findings to the Governor and the General Assembly no later than January 1, 2006.

(Source: P.A. 94-225, eff. 7-14-05.)

(105 ILCS 5/3-14.20) (from Ch. 122, par. 3-14.20)

Sec. 3-14.20. Building plans and specifications. To inspect the building plans and specifications, including but not limited to plans and specifications for the heating, ventilating, lighting, seating, water supply, toilets and safety against fire of public school rooms and buildings submitted to him by school boards, and to approve all those which comply substantially with the building code authorized in Section 2-3.12.

If a municipality or, in the case of an unincorporated area, a county or, if applicable, a fire protection district wishes to be notified of plans and specifications received by a regional office of education for any future construction or alteration of a public school facility located within that entity's jurisdiction, then the entity must register this wish with the regional superintendent of schools. Within 10 days after the regional superintendent of schools receives the plans and specifications from a school board and prior to the bidding process, he or she shall notify, in writing, the registered municipality and, if applicable, the registered fire protection district where the school that is being constructed or altered lies that plans and specifications have been received. In the case of an unincorporated area, the registered county shall be notified. If the municipality, fire protection district, or county requests a review of the plans and specifications, then the school board shall submit a copy of the plans and specifications. The municipality and, if applicable, the fire protection district or the county may comment in writing on the plans and specifications based on the building code authorized in Section 2-3.12, referencing the specific code where a discrepancy has been identified, and respond back to the regional superintendent of schools within 15 days after a copy of the plans and specifications have been received or, if needed for plan review, such additional time as agreed to by the regional superintendent of schools. This review must be at no cost to the school district.

If such plans and specifications are not approved or denied approval by the regional superintendent of schools within 3 months after the date on which they are submitted to him or her, the school board may submit such plans and specifications directly to the State Superintendent of Education for approval or denial.

Inspections of school construction and alterations may be performed by qualified construction inspectors acting on behalf of municipalities or, if applicable, counties or fire protection districts who register with the regional superintendent of schools. These inspections must be based on the model building codes referenced in the Health/Life Safety Code for Public Schools.
(Source: P.A. 94-225, eff. 7-14-05.)".

AMENDMENT NO. 2. Amend House Bill 5416, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 4, by replacing lines 25 and 26 with the following: "the building code authorized in Section 2-3.12 of this Code."

The foregoing motion prevailed and Amendments numbered 1 and 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 5578. Having been recalled on March 1, 2006, and held on the order of Second Reading, the same was again taken up.

Representative May offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend House Bill 5578 as follows:
on page 10, line 16, by replacing "fails" with "willfully or knowingly fails"; and
on page 10, line 20, by replacing "\$10,000" with "\$5,000"; and
on page 11, line 31, after "agent", by inserting ", provided that the switch has been managed in accordance with the Environmental Protection Act and regulations adopted thereunder prior to the transfer"; and
on page 12, line 9, by replacing "2018" with "2011".

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 4238. Having been recalled on February 28, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Boland offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend House Bill 4238, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 5-1071 as follows:

(55 ILCS 5/5-1071) (from Ch. 34, par. 5-1071)

Sec. 5-1071. Dogs running at large. The county board of each county may regulate and prohibit the running at large of dogs in unincorporated areas of the county which have been subdivided for residence purposes. The county board may impose such fines or penalties as are deemed proper to effectuate any such regulation or prohibition of dogs running at large, except when a fine or penalty is already allowed by law. ~~No fine or penalty may exceed \$50 for any one offense.~~

(Source: P.A. 86-962.)

Section 10. The Animal Control Act is amended by changing Section 26 and by adding Section 9.5 as follows:

(510 ILCS 5/9.5 new)

Sec. 9.5. Dogs hunting; in dog parks. A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land that is open to hunting or on land with respect to which the person has obtained written permission to hunt or train a dog. A dog that is in a dog-friendly area of a park or in a dog park is not considered to be running at large if the dog is monitored or supervised by a person.

(510 ILCS 5/26) (from Ch. 8, par. 376)

Sec. 26. (a) Except as otherwise provided in this Act, any ~~Any~~ person violating or aiding in or abetting

the violation of any provision of this Act, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Act, or resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing this Act, or refusing to produce for inoculation any dog in his possession, or who removes a tag from a dog for purposes of destroying or concealing its identity, is guilty of a Class C misdemeanor for a first offense and for a subsequent offense, is guilty of a Class B misdemeanor.

Each day a person fails to comply constitutes a separate offense. Each State's Attorney to whom the Administrator reports any violation of this Act shall cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner provided by law.

(b) If the owner of a vicious dog subject to enclosure:

- (1) fails to maintain or keep the dog in an enclosure or fails to spay or neuter the dog within the time period prescribed; and
- (2) the dog inflicts serious physical injury upon any other person or causes the death of another person; and
- (3) the attack is unprovoked in a place where such person is peaceably conducting himself or herself and where such person may lawfully be;

the owner shall be guilty of a Class 3 ~~Class 4~~ felony, unless the owner knowingly allowed the dog to run at large or failed to take steps to keep the dog in an enclosure then the owner shall be guilty of a Class 2 ~~Class 3~~ felony. The penalty provided in this paragraph shall be in addition to any other criminal or civil sanction provided by law.

(c) If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog inflicts serious physical injury on a person or a companion animal, the owner shall be guilty of a Class 4 felony ~~Class A misdemeanor~~. If the owner of a dangerous dog knowingly fails to comply with any order regarding the dog and the dog kills a person the owner shall be guilty of a Class 3 ~~Class 4~~ felony.

(d) If the owner of a dog knowingly allows it to run at large in violation of this Act as specified in Section 9 and the dog inflicts serious physical injury, as defined in this Act, or death to a person, the owner is guilty of a Class A misdemeanor. This subsection does not apply to a police dog that inflicts physical or serious physical injury to a person in the course of its duties. A good faith effort to retrieve the dog in a timely fashion is an affirmative defense to this subsection (d).

(Source: P.A. 93-548, eff. 8-19-03; 94-639, eff. 8-22-05.)

Section 15. The Unified Code of Corrections is amended by changing Section 5-5-3.2 as follows:

(730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

Sec. 5-5-3.2. Factors in Aggravation.

(a) The following factors shall be accorded weight in favor of imposing a term of imprisonment or may be considered by the court as reasons to impose a more severe sentence under Section 5-8-1:

- (1) the defendant's conduct caused or threatened serious harm;
- (2) the defendant received compensation for committing the offense;
- (3) the defendant has a history of prior delinquency or criminal activity;
- (4) the defendant, by the duties of his office or by his position, was obliged to prevent the particular offense committed or to bring the offenders committing it to justice;
- (5) the defendant held public office at the time of the offense, and the offense related to the conduct of that office;
- (6) the defendant utilized his professional reputation or position in the community to commit the offense, or to afford him an easier means of committing it;
- (7) the sentence is necessary to deter others from committing the same crime;
- (8) the defendant committed the offense against a person 60 years of age or older or such person's property;
- (9) the defendant committed the offense against a person who is physically handicapped or such person's property;
- (10) by reason of another individual's actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin, the defendant committed the offense against (i) the person or property of that individual; (ii) the person or property of a person who has an association with, is married to, or has a friendship with the other individual; or (iii) the person or property of a relative (by blood or marriage) of a person described in clause (i) or (ii). For the purposes of this Section, "sexual orientation" means heterosexuality, homosexuality, or bisexuality;

(11) the offense took place in a place of worship or on the grounds of a place of worship, immediately prior to, during or immediately following worship services. For purposes of this

subparagraph, "place of worship" shall mean any church, synagogue or other building, structure or place used primarily for religious worship;

(12) the defendant was convicted of a felony committed while he was released on bail or his own recognizance pending trial for a prior felony and was convicted of such prior felony, or the defendant was convicted of a felony committed while he was serving a period of probation, conditional discharge, or mandatory supervised release under subsection (d) of Section 5-8-1 for a prior felony;

(13) the defendant committed or attempted to commit a felony while he was wearing a bulletproof vest. For the purposes of this paragraph (13), a bulletproof vest is any device which is designed for the purpose of protecting the wearer from bullets, shot or other lethal projectiles;

(14) the defendant held a position of trust or supervision such as, but not limited to, family member as defined in Section 12-12 of the Criminal Code of 1961, teacher, scout leader, baby sitter, or day care worker, in relation to a victim under 18 years of age, and the defendant committed an offense in violation of Section 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 against that victim;

(15) the defendant committed an offense related to the activities of an organized gang. For the purposes of this factor, "organized gang" has the meaning ascribed to it in Section 10 of the Streetgang Terrorism Omnibus Prevention Act;

(16) the defendant committed an offense in violation of one of the following Sections while in a school, regardless of the time of day or time of year; on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity; on the real property of a school; or on a public way within 1,000 feet of the real property comprising any school: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(16.5) the defendant committed an offense in violation of one of the following Sections while in a day care center, regardless of the time of day or time of year; on the real property of a day care center, regardless of the time of day or time of year; or on a public way within 1,000 feet of the real property comprising any day care center, regardless of the time of day or time of year: Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or 33A-2 of the Criminal Code of 1961;

(17) the defendant committed the offense by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer. For the purpose of this Section, "community policing volunteer" has the meaning ascribed to it in Section 2-3.5 of the Criminal Code of 1961;

(18) the defendant committed the offense in a nursing home or on the real property comprising a nursing home. For the purposes of this paragraph (18), "nursing home" means a skilled nursing or intermediate long term care facility that is subject to license by the Illinois Department of Public Health under the Nursing Home Care Act;

(19) the defendant was a federally licensed firearm dealer and was previously convicted of a violation of subsection (a) of Section 3 of the Firearm Owners Identification Card Act and has now committed either a felony violation of the Firearm Owners Identification Card Act or an act of armed violence while armed with a firearm; ~~or~~

(20) the defendant (i) committed the offense of reckless homicide under Section 9-3 of the Criminal Code of 1961 or the offense of driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code; ~~or~~ -

~~(21)~~ (20) the defendant (i) committed the offense of reckless driving or aggravated reckless driving under Section 11-503 of the Illinois Vehicle Code and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit as provided in Article VI of Chapter 11 of the Illinois Vehicle Code.

For the purposes of this Section:

"School" is defined as a public or private elementary or secondary school, community college, college, or university.

"Day care center" means a public or private State certified and licensed day care center as defined in Section 2.09 of the Child Care Act of 1969 that displays a sign in plain view stating that the property is a day care center.

(b) The following factors may be considered by the court as reasons to impose an extended term sentence under Section 5-8-2 upon any offender:

(1) When a defendant is convicted of any felony, after having been previously convicted in Illinois or any other jurisdiction of the same or similar class felony or greater class felony, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(2) When a defendant is convicted of any felony and the court finds that the offense was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(3) When a defendant is convicted of voluntary manslaughter, second degree murder, involuntary manslaughter or reckless homicide in which the defendant has been convicted of causing the death of more than one individual; or

(4) When a defendant is convicted of any felony committed against:

(i) a person under 12 years of age at the time of the offense or such person's property;

(ii) a person 60 years of age or older at the time of the offense or such person's property; or

(iii) a person physically handicapped at the time of the offense or such person's property; or

(5) In the case of a defendant convicted of aggravated criminal sexual assault or criminal sexual assault, when the court finds that aggravated criminal sexual assault or criminal sexual assault was also committed on the same victim by one or more other individuals, and the defendant voluntarily participated in the crime with the knowledge of the participation of the others in the crime, and the commission of the crime was part of a single course of conduct during which there was no substantial change in the nature of the criminal objective; or

(6) When a defendant is convicted of any felony and the offense involved any of the following types of specific misconduct committed as part of a ceremony, rite, initiation, observance, performance, practice or activity of any actual or ostensible religious, fraternal, or social group:

(i) the brutalizing or torturing of humans or animals;

(ii) the theft of human corpses;

(iii) the kidnapping of humans;

(iv) the desecration of any cemetery, religious, fraternal, business, governmental, educational, or other building or property; or

(v) ritualized abuse of a child; or

(7) When a defendant is convicted of first degree murder, after having been previously convicted in Illinois of any offense listed under paragraph (c)(2) of Section 5-5-3, when such conviction has occurred within 10 years after the previous conviction, excluding time spent in custody, and such charges are separately brought and tried and arise out of different series of acts; or

(8) When a defendant is convicted of a felony other than conspiracy and the court finds that the felony was committed under an agreement with 2 or more other persons to commit that offense and the defendant, with respect to the other individuals, occupied a position of organizer, supervisor, financier, or any other position of management or leadership, and the court further finds that the felony committed was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's leadership in an organized gang; or

(9) When a defendant is convicted of a felony violation of Section 24-1 of the Criminal Code of 1961 and the court finds that the defendant is a member of an organized gang; or

(10) When a defendant committed the offense using a firearm with a laser sight attached to it. For purposes of this paragraph (10), "laser sight" has the meaning ascribed to it in Section 24.6-5 of the Criminal Code of 1961; or

(11) When a defendant who was at least 17 years of age at the time of the commission of the offense is convicted of a felony and has been previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a Class X or Class 1 felony when the conviction has occurred within 10 years after the previous adjudication, excluding time spent in custody; or

(12) When a defendant commits an offense involving the illegal manufacture of a controlled substance under Section 401 of the Illinois Controlled Substances Act, the illegal manufacture of methamphetamine under Section 25 of the Methamphetamine Control and Community Protection Act, or the illegal possession of explosives and an emergency response officer in the performance of his or

her duties is killed or injured at the scene of the offense while responding to the emergency caused by the commission of the offense. In this paragraph (12), "emergency" means a situation in which a person's life, health, or safety is in jeopardy; and "emergency response officer" means a peace officer, community policing volunteer, fireman, emergency medical technician-ambulance, emergency medical technician-intermediate, emergency medical technician-paramedic, ambulance driver, other medical assistance or first aid personnel, or hospital emergency room personnel; or -

(13) When a defendant commits any felony and the defendant used, possessed, exercised control over, or otherwise directed an animal to assault a law enforcement officer engaged in the execution of his or her official duties or in furtherance of the criminal activities of an organized gang in which the defendant is engaged.

(b-1) For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of aggravated criminal sexual assault or predatory criminal sexual assault of a child under subsection (a)(1) of Section 12-14.1 of the Criminal Code of 1961 where the victim was under 18 years of age at the time of the commission of the offense.

(d) The court may impose an extended term sentence under Section 5-8-2 upon any offender who was convicted of unlawful use of weapons under Section 24-1 of the Criminal Code of 1961 for possessing a weapon that is not readily distinguishable as one of the weapons enumerated in Section 24-1 of the Criminal Code of 1961.

(Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556, eff. 9-11-05; revised 8-19-05.)

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 1620. 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 Gordon offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 1620 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by adding Section 13.6 as follows:

(415 ILCS 5/13.6 new)

Sec. 13.6. Release of contaminants at nuclear power plants.

(a) The purpose of this Section is to require the detection and reporting of unpermitted releases of contaminants (including, but not limited to, tritium or other radionuclides) into groundwater, surface water, or soil at nuclear power plants to the extent that federal law or regulation does not preempt such requirements.

(b) No owner or operator of a nuclear power plant shall violate this Section or any rules adopted under this Section.

(c) Within 24 hours after an unpermitted release of a contaminant from a nuclear power plant, the owner or operator of the nuclear power plant where the release occurred shall report the release to the Agency. For purposes of this Section, "unpermitted release" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of an contaminant into groundwater, surface water, or soil that is not permitted under State or federal law or regulation.

(d) The Agency shall inspect each nuclear power plant for compliance with the requirements of this Section and rules adopted pursuant to this Section no less than once each quarter every calendar year. Nothing in this Section shall limit the Agency's authority to make inspections under Section 4 or any other provision of this Act.

(e) No later than one year after the effective date of this amendatory Act of the 94th General Assembly, the Agency shall propose rules to the Board prescribing standards for detecting and reporting unpermitted releases of contaminants at nuclear power plants (including, but not limited to, tritium or other radionuclides). No later than one year after receipt of the Agency's proposal, the Board shall adopt rules

prescribing standards for detecting and reporting unpermitted releases of contaminants at nuclear power plants (including, but not limited to, tritium or other radionuclides). Rules adopted under this subsection may also include standards for self-monitoring by the owner or operator of the nuclear power plant.

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 280. Having been recalled on February 21, 2006, and held on the order of Second Reading, the same was again taken up.

Representative McGuire offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 280 on page 1, by replacing lines 4 through 32 with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 5-102 as follows:"; and
by deleting pages 2 through 9; and
on page 10, by deleting lines 1 through 20; and
on page 13, line 34, by replacing "pertains." with "pertains."; and
on page 14, immediately below line 11, by inserting the following:

"5.5. License fees for dealers that were not in business the previous year: \$1,000 for the applicant's primary place of business and \$100 for each additional place of business to which the application pertains; but if the application is made after June 15 of any year, the license fee shall be \$500 for the applicant's primary place of business and \$50 for each additional place of business, if any, to which the application pertains."

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 4739. Having been recalled on February 23, 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 Golar offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 4739 on page 3, line 28, by replacing "of" with "involving real"; and
on page 3, line 31, by replacing "10" with "7".

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.

HOUSE BILL 2012. Having been read by title a second time on April 7, 2005, and held on the order of Second Reading, the same was again taken up.

Representative Soto offered and withdrew Amendment No. 1.

Representative Soto offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 2012 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 34-18.33 as follows:

(105 ILCS 5/34-18.33 new)

Sec. 34-18.33. Closure of school. Prior to the board voting to close any school in the district, the board shall announce its intention to do so at least 6 months prior to the vote. Before the vote, the board shall conduct 3 public hearings, each in a separate location, at times and places determined by the board. The time of place of each hearing must be chosen to ensure maximum participation within the school's local attendance area.

If a preponderance of the testimony at the hearings is in opposition to the closure, the board and any parties opposing the closure must submit to federal mediation. A mediator from the National Mediation Board shall be appointed to work with the board and the opposing parties to determine whether the school should be closed.

If there is no resolution within 60 days after submitting to mediation, the board may not close the school until the question of closing the school has been submitted to the electors of the school's local attendance area at a regular election and approved by a majority of the electors voting on the question. The board must certify the question to the proper election authority, which must submit the question at an election in accordance with the Election Code. The election authority must submit the question in substantially the following form:

Shall the Chicago Board of Education be authorized to close (insert name of school)?

The election authority must record the votes as "Yes" or "No".

If a majority of the electors voting on the question vote in the affirmative, the board may close the school. If a majority of the electors voting on the question vote in the negative, the board may not attempt to close the school during the current school year or the following school year.

Section 90. 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."

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 4339. Having been recalled on February 22, 2006, and held on the order of Second Reading, the same was again taken up.

Representative Collins offered the following amendment and moved its adoption.

AMENDMENT NO. 3. Amend House Bill 4339, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, as follows:

on page 1, line 10, after "in", by inserting "Community College District No. 505"; and

on page 1, line 11, after "508", by inserting ", Community College District No. 511, Community College District No. 520"; and

on page 3, line 4, by deleting "or"; and

on page 3, line 5, after "State", by inserting ", or terminate the program if it is unsuccessful".

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 5506. 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 Tenhouse offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 5506 by replacing everything after the enacting clause with the following.

"Section 5. The Illinois Vehicle Code is amended by changing Section 15-102 as follows:

(625 ILCS 5/15-102) (from Ch. 95 1/2, par. 15-102)

Sec. 15-102. Width of Vehicles.

(a) On Class III and non-designated State and local highways, the total outside width of any vehicle or load thereon shall not exceed 8 feet.

(b) Except during those times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1000 feet, the following vehicles may exceed the 8 feet limitation during the period from a half hour before sunrise to a half hour after sunset:

- (1) Loads of hay, straw or other similar farm products provided that the load is not more than 12 feet wide.
- (2) Implements of husbandry being transported on another vehicle and the transporting vehicle while loaded.

The following requirements apply to the transportation on another vehicle of an implement of husbandry wider than 8 feet 6 inches on the National System of Interstate and Defense Highways or other highways in the system of State highways:

(A) The driver of a vehicle transporting an implement of husbandry that exceeds 8 feet 6 inches in width shall obey all traffic laws and shall check the roadways prior to making a movement in order to ensure that adequate clearance is available for the movement. It is prima facie evidence that the driver of a vehicle transporting an implement of husbandry has failed to check the roadway prior to making a movement if the vehicle is involved in a collision with a bridge, overpass, fixed structure, or properly placed traffic control device or if the vehicle blocks traffic due to its inability to proceed because of a bridge, overpass, fixed structure, or properly placed traffic control device.

(B) Flags shall be displayed so as to wave freely at the extremities of overwidth objects and at the extreme ends of all protrusions, projections, and overhangs. All flags shall be clean, bright red flags with no advertising, wording, emblem, or insignia inscribed upon them and at least 18 inches square.

(C) "OVERSIZE LOAD" signs are mandatory on the front and rear of all vehicles with loads over 10 feet wide. These signs must have 12-inch high black letters with a 2-inch stroke on a yellow sign that is 7 feet wide by 18 inches high.

(D) One civilian escort vehicle is required for a load that exceeds 14 feet 6 inches in width and 2 civilian escort vehicles are required for a load that exceeds 16 feet in width on the National System of Interstate and Defense Highways or other highways in the system of State highways.

(E) The requirements for a civilian escort vehicle and driver are as follows:

(1) The civilian escort vehicle shall be a passenger car or a second division vehicle not exceeding a gross vehicle weight of 8,000 pounds that is designed to afford clear and unobstructed vision to both front and rear.

(2) The escort vehicle driver must be properly licensed to operate the vehicle.

(3) While in use, the escort vehicle must be equipped with illuminated rotating, oscillating, or flashing amber lights or flashing amber strobe lights mounted on top that are of sufficient intensity to be visible at 500 feet in normal sunlight.

(4) "OVERSIZE LOAD" signs are mandatory on all escort vehicles. The sign on an escort vehicle shall have 8-inch high black letters on a yellow sign that is 5 feet wide by 12 inches high.

(5) When only one escort vehicle is required and it is operating on a two-lane highway, the escort vehicle shall travel approximately 300 feet ahead of the load. The rotating, oscillating, or flashing lights or flashing amber strobe lights and an "OVERSIZE LOAD" sign shall be displayed on the escort vehicle and shall be visible from the front. When only one escort vehicle is required and it is operating on a multilane divided highway, the escort vehicle shall travel approximately 300 feet behind the load and the sign and lights shall be visible from the rear.

(6) When 2 escort vehicles are required, one escort shall travel approximately

300 feet ahead of the load and the second escort shall travel approximately 300 feet behind the load. The rotating, oscillating, or flashing lights or flashing amber strobe lights and an "OVERSIZE LOAD" sign shall be displayed on the escort vehicles and shall be visible from the front on the lead escort and from the rear on the trailing escort.

(7) When traveling within the corporate limits of a municipality, the escort vehicle shall maintain a reasonable and proper distance from the oversize load, consistent with existing traffic conditions.

(8) A separate escort shall be provided for each load hauled.

(9) The driver of an escort vehicle shall obey all traffic laws.

(10) The escort vehicle must be in safe operational condition.

(11) The driver of the escort vehicle must be in radio contact with the driver of the vehicle carrying the oversize load.

(F) A transport vehicle while under load of more than 8 feet 6 inches in width must be equipped with an illuminated rotating, oscillating, or flashing amber light or lights or a flashing amber strobe light or lights mounted on the top of the cab that are of sufficient intensity to be visible at 500 feet in normal sunlight. If the load on the transport vehicle blocks the visibility of the amber lighting from the rear of the vehicle, the vehicle must also be equipped with an illuminated rotating, oscillating, or flashing amber light or lights or a flashing amber strobe light or lights mounted on the rear of the load that are of sufficient intensity to be visible at 500 feet in normal sunlight.

(G) When a flashing amber light is required on the transport vehicle under load and it is operating on a two-lane highway, the transport vehicle shall display to the rear at least one rotating, oscillating, or flashing light or a flashing amber strobe light and an "OVERSIZE LOAD" sign. When a flashing amber light is required on the transport vehicle under load and it is operating on a multilane divided highway, the sign and light shall be visible from the rear.

(H) Maximum speed shall be 45 miles per hour on all such moves or 5 miles per hour above the posted minimum speed limit, whichever is greater, but the vehicle shall not at any time exceed the posted maximum speed limit.

(3) Portable buildings designed and used for agricultural and livestock raising operations that are not more than 14 feet wide and with not more than a 1 foot overhang along the left side of the hauling vehicle. However, the buildings shall not be transported more than 10 miles and not on any route that is part of the National System of Interstate and Defense Highways. All buildings when being transported shall display at least 2 red cloth flags, not less than 12 inches square, mounted as high as practicable on the left and right side of the building.

A State Police escort shall be required if it is necessary for this load to use part of the left lane when crossing any 2 laned State highway bridge.

(c) Vehicles propelled by electric power obtained from overhead trolley wires operated wholly within the corporate limits of a municipality are also exempt from the width limitation.

(d) Exemptions are also granted to vehicles designed for the carrying of more than 10 persons under the following conditions:

(1) (Blank);

(2) When operated within any public transportation service with the approval of local authorities or an appropriate public body authorized by law to provide public transportation. Any vehicle so operated may be 8 feet 6 inches in width; or

(3) When a county engineer or superintendent of highways, after giving due consideration to the mass transportation needs of the area and to the width and condition of the road, has determined that the operation of buses wider than 8 feet will not pose an undue safety hazard on a particular county or township road segment, he or she may authorize buses not to exceed 8 feet 6 inches in width on any highway under that engineer's or superintendent's jurisdiction.

(d-5) A recreational vehicle, as defined in Section 1-169, may exceed 8 feet 6 inches in width if the excess width is attributable to appurtenances that extend 6 inches or less beyond either side of the body of the vehicle. As used in this Section, an "appurtenance" includes (i) a retracted awning and its support hardware and (ii) any appendage that is intended to be an integral part of a recreational vehicle.

(e) A vehicle and load traveling upon the National System of Interstate and Defense Highways or any other highway in the system of State highways that has been designated as a Class I or Class II highway by the Department, or any street or highway designated by local authorities, may have a total outside width of 8 feet 6 inches, provided that certain safety devices that the Department determines as necessary for the safe and efficient operation of motor vehicles shall not be included in the calculation of width.

(e-1) A vehicle and load more than 8 feet wide but not exceeding 8 feet 6 inches in width is allowed access according to the following:

(1) A vehicle and load not exceeding 73,280 pounds in weight is allowed access from any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of loading and unloading, provided:

(A) The vehicle and load does not exceed 65 feet overall length.

(B) There is no sign prohibiting that access.

(C) The route is not being used as a thoroughfare between State designated highways.

(2) A vehicle and load not exceeding 73,280 pounds in weight is allowed access from any State designated highway onto any county or township highway for a distance of 5 highway miles or onto any municipal highway for a distance of one highway mile for the purpose of food, fuel, repairs, and rest, provided:

(A) The vehicle and load does not exceed 65 feet overall length.

(B) There is no sign prohibiting that access.

(C) The route is not being used as a thoroughfare between State designated highways.

(3) A vehicle and load not exceeding 80,000 pounds in weight is allowed access from a Class I highway onto any street or highway for a distance of one highway mile for the purpose of loading, unloading, food, fuel, repairs, and rest, provided there is no sign prohibiting that access.

(4) A vehicle and load not exceeding 80,000 pounds in weight is allowed access from a Class I or Class II highway onto any State highway or any locally designated highway for a distance of 5 highway miles for the purpose of loading, unloading, food, fuel, repairs, and rest.

(5) A trailer or semi-trailer not exceeding 28 feet 6 inches in length, that was originally in combination with a truck tractor, shall have unlimited access to points of loading and unloading.

(6) All household goods carriers shall have unlimited access to points of loading and unloading.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (e).

(f) Mirrors required by Section 12-502 of this Code and other safety devices identified by the Department may project up to 14 inches beyond each side of a bus and up to 6 inches beyond each side of any other vehicle, and that projection shall not be deemed a violation of the width restrictions of this Section.

(g) Any person who is convicted of violating this Section is subject to the penalty as provided in paragraph (b) of Section 15-113.

(Source: P.A. 92-417, eff. 1-1-02; 93-177, eff. 7-11-03.)"

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

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

HOUSE BILLS ON THIRD READING

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

On motion of Representative McCarthy, HOUSE BILL 4652 was taken up and read by title a third time.

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

Pending the vote on said bill, on motion of Representative McCarthy, further consideration of HOUSE BILL 4652 was postponed.

On motion of Representative Soto, HOUSE BILL 2012 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:

102, Yeas; 7, Nays; 2, Answering Present.
(ROLL CALL 23)

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

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

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 978, 979 and 981 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 7:54 o'clock p.m., Representative Currie moved that the House do now adjourn until Friday, March 3, 2006, at 9:00 o'clock a.m., allowing perfunctory time for the Clerk.

The motion prevailed.

And the House stood adjourned.

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

March 02, 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	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

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 2734
 CIVIL LAW-TECH
 THIRD READING
 PASSED

March 02, 2006

117 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	Y Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4342
 MOBILE HOME-FIRE PROTECTION
 THIRD READING
 PASSED

March 02, 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	A 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	Y Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4396
 CRIM PRO-BLOOD WITHDRAWL
 THIRD READING
 PASSED

March 02, 2006

115 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	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	P 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

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4405
 LOGGOV-IDOT LEASE-VACANT LAND
 THIRD READING
 PASSED

March 02, 2006

114 YEAS

3 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
N 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	N 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
N 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

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4521
 VEH CD-COURT SUPERVISION FEE
 THIRD READING
 PASSED

March 02, 2006

82 YEAS

34 NAYS

1 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
Y Bassi	N 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	N Rita
Y Berrios	N Feigenholtz	Y Mathias	Y Rose
Y Biggins	Y Flider	Y Mautino	N Ryg
Y Black	N Flowers	N 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	N Schock
Y Bradley, Richard	N Giles	P McKeon	Y Scully
Y Brady	N Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	N Sommer
Y Brosnahan	N Graham	N 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	N Tenhouse
N Churchill	Y Hassert	Y Molaro	Y Tryon
N Collins	Y Hoffman	N Mulligan	N Turner
N Colvin	Y Holbrook	N Munson	Y Verschoore
N Coulson	N Howard	Y Myers	Y Wait
Y Cross	N Hultgren	Y Nekritz	N Washington
Y Cultra	N Jakobsson	Y Osmond	Y Watson
N Currie	N Jefferson	N Osterman	Y Winters
Y D'Amico	N Jenisch	Y Parke	N Yarbrough
Y Daniels	N Jones	E Patterson	N Younge
N Davis, Monique	Y Joyce	Y Phelps	Y Mr. Speaker
N Davis, William	N Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4523
 TATTOO & BODY PIERCING REG ACT
 THIRD READING
 PASSED

March 02, 2006

116 YEAS

1 NAY

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	N 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	Y Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4527
CNTY-DEFENDANT FEE
THIRD READING
PASSED

March 02, 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	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	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

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4703
 MILITARY PERSONNEL-CIVIL RELIEF
 THIRD READING
 PASSED

March 02, 2006

117 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	Y Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4715
 SAFE HOMES ACT
 THIRD READING
 PASSED

March 02, 2006

63 YEAS

47 NAYS

6 PRESENT

Y Acevedo	Y Dugan	Y Krause	N Pritchard
N Bassi	Y Dunkin	Y Lang	N Ramey
N Beaubien	N Dunn	N Leitch	N Reis
N Beiser	N Durkin	P Lindner	Y Reitz
Y Bellock	N Eddy	Y Lyons, Joseph	Y Rita
Y Berrios	Y Feigenholtz	N Mathias	P Rose
N Biggins	Y Flider	Y Mautino	Y Ryg
N Black	Y Flowers	Y May	N Sacia
N Boland	Y Franks	N McAuliffe	N Saviano
N Bost	Y Fritchey	N McCarthy	N Schmitz
Y Bradley, John	P Froehlich	N McGuire	Y Schock
P 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	Y Miller	Y Soto
Y Burke	A Granberg	N Mitchell, Bill	N Stephens
P Chapa LaVia	Y Hamos	N Mitchell, Jerry	N Sullivan
Y Chavez	Y Hannig	N Moffitt	N Tenhouse
N Churchill	N Hassert	Y Molaro	N Tryon
Y Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	N Holbrook	Y Munson	N Verschoore
Y Coulson	Y Howard	N Myers	N Wait
N Cross	Y Hultgren	Y Nekritz	Y Washington
N Cultra	Y Jakobsson	N Osmond	N Watson
Y Currie	Y Jefferson	Y Osterman	Y Winters
Y D'Amico	N Jenisch	P Parke	Y Yarbrough
N 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	N Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4726
 PUBLIC ACCTNG-PEER REVIEW
 THIRD READING
 PASSED

March 02, 2006

115 YEAS

0 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	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	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	A 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

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4532
 CRIM CD-DISORDERLY CONDUCT
 THIRD READING
 PASSED

March 02, 2006

114 YEAS

2 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
E 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
N Currie	N 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

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 4727
VEH CD-RELOCATOR REVOCATION
THIRD READING
PASSED

March 02, 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
E 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	Y Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4735
 PROP TX-RATE ADJUSTMENTS
 THIRD READING
 PASSED

March 02, 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
E 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	Y Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4657
 VEH CD-REGISTRATION-FED REGS
 THIRD READING
 PASSED

March 02, 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	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
E 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	Y Mr. Speaker
Y Davis, William	Y Kelly	Y Pihos	
Y Delgado	Y Kosel	Y Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4785
 NURSNG HOME-IDENTIFIED OFFENDR
 SECOND READING
 FLOOR AMENDMENT #2 - BRORNAHAN
 ADOPTED

March 02, 2006

100 YEAS

8 NAYS

5 PRESENT

Y Acevedo	Y Dugan	Y Krause	N Pritchard
Y Bassi	P Dunkin	Y Lang	Y Ramey
Y Beaubien	N 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
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	P Golar	Y Mendoza	Y Smith
Y Brauer	Y Gordon	Y Meyer	Y Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
E Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	A Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	E Tenhouse
Y Churchill	Y Hassert	Y Molaro	Y Tryon
N Collins	Y Hoffman	Y Mulligan	Y Turner
Y Colvin	Y Holbrook	Y Munson	Y Verschoore
Y Coulson	P Howard	Y Myers	Y Wait
Y Cross	Y Hultgren	Y Nekritz	P Washington
Y Cultra	Y Jakobsson	N Osmond	Y Watson
Y Currie	P Jefferson	Y Osterman	Y Winters
Y D'Amico	Y Jenisch	Y Parke	Y Yarbrough
Y Daniels	Y Jones	E Patterson	Y Younge
N Davis, Monique	Y Joyce	Y Phelps	Y Mr. Speaker
Y Davis, William	Y Kelly	N Pihos	
Y Delgado	N Kosel	E Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4442
 OPEN MEETINGS-48 HOUR NOTICE
 THIRD READING
 PASSED

March 02, 2006

113 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
E Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	A Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	E 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	E Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4081
 COUNTY WORK CAMP
 THIRD READING
 PASSED

March 02, 2006

113 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
E Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	E Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	E 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	E Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4406
 H/ED GRANT-RAISED BY GRNDPRNT
 THIRD READING
 PASSED

March 02, 2006

68 YEAS

44 NAYS

1 PRESENT

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

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4666
 EMERGENCY POWERS-LICENSES
 THIRD READING
 PASSED

March 02, 2006

113 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
E Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	E Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	E 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	E Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4729
 MIL CODE-ADJUTANTS GENERAL
 THIRD READING
 PASSED

March 02, 2006

113 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
E Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	E Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	E 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	E Poe	

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-FOURTH
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 4447
 ALL KIDS-DEPENDENT STUDENT CVG
 THIRD READING
 PASSED

March 02, 2006

65 YEAS

48 NAYS

0 PRESENT

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

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-FOURTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 2012
EDUCATION-TECH
THIRD READING
PASSED

March 02, 2006

102 YEAS

7 NAYS

2 PRESENT

Y Acevedo	Y Dugan	Y Krause	Y Pritchard
N Bassi	Y Dunkin	Y Lang	Y Ramey
Y Beaubien	Y Dunn	N Leitch	Y Reis
Y Beiser	E Durkin	Y Lindner	Y Reitz
Y Bellock	Y Eddy	P 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	N 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
A Brauer	Y Gordon	Y Meyer	N Sommer
Y Brosnahan	Y Graham	Y Miller	Y Soto
E Burke	Y Granberg	Y Mitchell, Bill	Y Stephens
Y Chapa LaVia	Y Hamos	E Mitchell, Jerry	Y Sullivan
Y Chavez	Y Hannig	Y Moffitt	E Tenhouse
Y Churchill	Y Hassert	P 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
N Cultra	Y Jakobsson	N 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	N Pihos	
Y Delgado	Y Kosel	E Poe	

E - Denotes Excused Absence

102ND LEGISLATIVE DAY

Perfunctory Session

THURSDAY, MARCH 2, 2006

At the hour of 7:40 o'clock p.m., the House convened perfunctory session.

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 619 (Bradley,J), 701 (Hassert), 819 (Holbrook), 820 (Acevedo), 821 (Molaro), 827 (Reitz), 835 (Bradley,J), 841 (Lyons,J), 843 (Joyce), 860 (Smith), 893 (Holbrook), 918 (Flider), 1086 (Phelps), 1087 (Jones), 1214 (Bradley,R), 1991 (Molaro), 2137 (Mendoza), 2223 (Berrios), 2233 (Washington), 2243 (Hoffman), 2254 (Brosnahan), 2257 (Hoffman), 2277 (Feigenholtz), 2284 (Fritchey), 2285 (Holbrook), 2290 (Hamos), 2302 (Moffitt), 2303 (Myers), 2325 (Saviano), 2326 (Ryg), 2328 (Hannig), 2339 (Delgado), 2349 (Colvin), 2368 (Acevedo), 2374 (Jenisch), 2395 (Saviano), 2405 (Saviano), 2436 (Dunn), 2455 (Coulson), 2465 (Fritchey), 2469 (Saviano), 2475 (Bradley,J), 2489 (Black), 2579 (Smith), 2580 (Bradley,J), 2608 (Reitz), 2617 (Chapa LaVia), 2674 (Turner), 2676 (Nekritz), 2680 (Acevedo), 2684 (Chapa LaVia), 2691 (Parke), 2695 (Mendoza), 2716 (Flider), 2737 (Burke), 2798 (Brauer), 2807 (Watson), 2808 (Lyons,J), 2810 (Phelps), 2829 (Lang), 2869 (Mendoza), 2878 (Tryon), 2882 (Smith), 2921 (Turner), 2968 (Pihos), 2967 (Brauer), 3046 (Kosel), 3062 (Currie) and 3086 (Franks).

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Monique Davis replaced Representative John Bradley in the Committee on Judiciary II - Criminal Law on March 2, 2006.

Representative Beaubien replaced Representative Pritchard in the Committee on Agriculture & Conservation on March 2, 2006.

Representative Kosel replaced Representative Saviano in the Committee on Public Utilities on March 2, 2006.

REPORTS FROM STANDING COMMITTEES

Representative Molaro, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on March 2, 2006, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to HOUSE BILL 2067.

The committee roll call vote on Amendment No. 2 to House Bill 2067 is as follows:
12, Yeas; 1, Nay; 0, Answering Present.

- | | |
|------------------------------------------------|----------------------------------------|
| Y Molaro,Robert(D), Chairperson | Y Delgado,William(D), Vice-Chairperson |
| Y Lindner,Patricia(R), Republican Spokesperson | Y Davis,M(D) (replacing Bradley,J) |
| Y Collins,Annazette(D) | Y Cultra,Shane(R) |
| A Durkin,Jim(R) | Y Froehlich,Paul(R) |
| Y Golar,Esther(D) | A Gordon,Careen(D) |
| Y Howard,Constance(D) | Y Jones,Lovana(D) |
| Y Mautino,Frank(D) | N Reis,David(R) |
| Y Sacia,Jim(R) | A Wait,Ronald(R) |

Representative Colvin, Chairperson, from the Committee on Consumer Protection to which the following were referred, action taken on March 2, 2006, reported the same back with the following recommendations:

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

Amendment No. 1 to HOUSE BILL 4350.

Amendment No. 2 to HOUSE BILL 4296.

The committee roll call vote on Amendment No. 1 to House Bill 4350 and Amendment No. 2 to House Bill 4296 is as follows:

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

Y Colvin,Marlow(D), Chairperson	Y Bost,Mike(R)
Y Brady,Dan(R), Republican Spokesperson	Y Chapa LaVia,Linda(D)
Y Gordon,Careen(D), Vice-Chairperson	A Mendoza,Susana(D)
Y Parke,Terry(R)	Y Ramey,Harry(R)
Y Rita,Robert(D)	Y Scully,George(D)
A Tenhouse,Art(R)	A Tryon,Michael(R)
Y Washington,Eddie(D)	

Representative Granberg, Chairperson, from the Committee on Agriculture & Conservation to which the following were referred, action taken on March 2, 2006, reported the same back with the following recommendations:

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

Amendment No. 1 to HOUSE BILL 5407.

The committee roll call vote on Amendment No. 1 to House Bill 5407 is as follows:

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

Y Granberg,Kurt(D), Chairperson	Y Phelps,Brandon(D), Vice-Chairperson
Y Moffitt,Donald(R), Republican Spokesperson	Y Boland,Mike(D)
Y Cultra,Shane(R)	Y Dugan,Lisa(D)
Y Flider,Robert(D)	Y McGuire,Jack(D)
Y Myers,Richard(R)	Y Beaubien(R) (replacing Pritchard)
Y Reis,David(R)	Y Reitz,Dan(D)
Y Sacia,Jim(R)	Y Sommer,Keith(R)
Y Verschoore,Patrick(D)	

Representative Flowers, Chairperson, from the Committee on Health Care Availability and Access to which the following were referred, action taken on March 2, 2006, reported the same back with the following recommendations:

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

Amendment No. 3 to HOUSE BILL 4999.

The committee roll call vote on Amendment No. 3 to House Bill 4999 is as follows:

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

Y Flowers,Mary(D), Chairperson	Y Osmond,JoAnn(R), Republican Spokesperson
Y Chavez,Michelle(D)	Y Dugan,Lisa(D)
A Golar,Esther(D)	Y Howard,Constance(D)
Y Krause,Carolyn(R)	Y Mathias,Sidney(R)
Y May,Karen(D), Vice-Chairperson	Y Mulligan,Rosemary(R)
Y Sommer,Keith(R)	

Representative Osterman, Chairperson, from the Committee on Local Government to which the following were referred, action taken on March 2, 2006, reported the same back with the following recommendations:

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

Amendment No. 2 to HOUSE BILL 5478.

The committee roll call vote on Amendment No. 2 to House Bill 5478 is as follows:

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

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

Representative Hoffman, Chairperson, from the Committee on Transportation and Motor Vehicles to which the following were referred, action taken on March 2, 2006, reported the same back with the following recommendations:

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

Amendment No. 1 to HOUSE BILL 3126.

The committee roll call vote on Amendment No. 1 to House Bill 3126 is as follows:

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

Y Hoffman,Jay(D), Chairperson	Y Beiser,Daniel(D)
Y Black,William(R)	Y Bost,Mike(R)
Y Brauer,Rich(R)	Y Brosnahan,James(D)
Y D'Amico,John(D)	Y Fritchey,John(D)
Y Froehlich,Paul(R)	Y Graham,Deborah(D)
Y Joyce,Kevin(D)	Y Lyons,Joseph(D)
Y Mathias,Sidney(R)	Y McAuliffe,Michael(R)
Y McCarthy,Kevin(D)	Y Mendoza,Susana(D)
Y Miller,David(D), Vice-Chairperson	Y Molaro,Robert(D)
Y Nekritz,Elaine(D)	Y Poe,Raymond(R)
Y Ramey,Harry(R)	Y Soto,Cynthia(D)
Y Stephens,Ron(R)	Y Tenhouse,Art(R)
Y Tryon,Michael(R)	Y Wait,Ronald(R), Republican Spokesperson
Y Washington,Eddie(D)	

Representative Giles, Chairperson, from the Committee on Elementary & Secondary Education to which the following were referred, action taken on March 2, 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 JOINT RESOLUTION 87.

The committee roll call vote on House Joint Resolution 87 is as follows:

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

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

Representative Collins, Chairperson, from the Committee on Public Utilities to which the following were referred, action taken on March 2, 2006, reported the same back with the following recommendations:

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

Amendment No. 1 to HOUSE BILL 5391.

The committee roll call vote on Amendment No. 1 to House Bill 5391 is as follows:

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

Y Collins,Annazette(D), Chairperson	Y Biggins,Bob(R)
Y Davis,Monique(D)	Y Hassert,Brent(R)
Y Holbrook,Thomas(D), Vice-Chairperson	Y Jefferson,Charles(D)
Y Jones,Lovana(D)	A Leitch,David(R)
Y Kosel(R) (replacing Saviano)	Y Watson,Jim(R), Republican Spokesperson

HOUSE BILL ON SECOND READING

Having been reproduced, the following bill was taken up, read by title a second time and held on the order of Second Reading: HOUSE BILL 5283.

At the hour of 7:54 o'clock p.m., the House Perfunctory Session adjourned.