**STATE OF ILLINOIS**


# HOUSE JOURNAL

**HOUSE OF REPRESENTATIVES**

**NINETY-FIFTH GENERAL ASSEMBLY**

**42ND LEGISLATIVE DAY**

**WEDNESDAY, APRIL 25, 2007**

**11:00 O'CLOCK A.M.**

NO. 42

**HOUSE OF REPRESENTATIVES**
**Daily Journal Index**
**42nd Legislative Day**

The House met pursuant to adjournment.
Representative Hannig in the chair.
Prayer by Randy Mogler, who is the Minister of Apostolic Christian Church in Washington, IL..
Representative Reboletti led the House in the Pledge of Allegiance.
By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows:
116 present. (ROLL CALL 1)

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

## TEMPORARY COMMITTEE ASSIGNMENTS

Representative Moffitt replaced Representative Watson in the Committee on Telecommunications on April 25, 2007.

Representative Rita replaced Representative Phelps in the Committee on Elementary & Secondary Education on April 25, 2007.

Representative Burke replaced Representative Howard in the Committee on Labor on April 25, 2007.

Representative McGuire replaced Representative Soto in the Committee on Labor on April 25, 2007.

Representative Hernandez replaced Representative Howard in the Committee on Health Care Availability and Access on April 25, 2007.

Representative Ford replaced Representative Phelps in the Committee on Veterans Affairs on April 25, 2007.

Representative Reitz replaced Representative Ford in the Committee on Local Government on April 25, 2007.

Representative Schmitz replaced Representative Black in the Committee on Rules on April 25, 2007.

Representative Schmitz replaced Representative Hassert in the Committee on Rules on April 25, 2007.

## REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on April 25, 2007, 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 230.
Amendment No. 1 to HOUSE BILL 282.
Amendment No. 2 to HOUSE BILL 448.
Amendment No. 2 to HOUSE BILL 1294.
Amendment No. 2 to HOUSE BILL 1560.
Amendment No. 4 to HOUSE BILL 1662.
Amendment No. 5 to HOUSE BILL 1727.
Amendment No. 1 to HOUSE BILL 1956.

**LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:**

Disability Services: HOUSE AMENDMENT No. 2 to HOUSE BILL 226.

Elementary & Secondary Education: HOUSE AMENDMENT No. 2 to HOUSE BILL 1466; HOUSE AMENDMENT No. 2 to HOUSE BILL 2207; HOUSE AMENDMENT No. 1 to HOUSE BILL 3361.
Health Care Availability and Access: HOUSE AMENDMENT No. 1 to HOUSE BILL 2419.
Human Services: HOUSE AMENDMENT No. 4 to HOUSE BILL 317.
Local Government: HOUSE AMENDMENT No. 1 to HOUSE BILL 2306.
Mass Transit: HOUSE AMENDMENT No. 1 to HOUSE BILL 2134.
Registration and Regulation: HOUSE AMENDMENT No. 5 to HOUSE BILL 474; HOUSE AMENDMENT No. 2 to HOUSE BILL 1071.
State Government Administration: HOUSE AMENDMENT No. 1 to HOUSE BILL 2425.
Veterans Affairs: HOUSE AMENDMENT No. 1 to HOUSE BILL 2179.

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

Y Currie(D), Chairperson
Y Hannig(D)
Y Turner(D)
Y Schmitz (R) (replacing Black)
Y Hassert(R)

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on April 25, 2007, (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. 1 to HOUSE BILL 2007.

**LEGISLATIVE MEASURES ASSIGNED TO COMMITTEE:**

Elementary & Secondary Education: HOUSE AMENDMENT No. 1 to HOUSE BILL 2008.
Environment & Energy: HOUSE AMENDMENT No. 1 to HOUSE BILL 3671.
Higher Education: HOUSE AMENDMENT No. 1 to HOUSE BILL 2194.
Judiciary II - Criminal Law: HOUSE AMENDMENT No. 1 to HOUSE BILL 2859.
Smart Growth & Regional Planning: HOUSE AMENDMENT No. 1 to HOUSE BILL 2473.

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

Y Currie(D), Chairperson
A Hannig(D)
Y Turner(D)
A Black(R), Republican Spokesperson
Y Schmitz (R) (replacing Hassert)

**REPORTS FROM STANDING COMMITTEES**

Representative Brosnahan, Chairperson, from the Committee on Telecommunications to which the following were referred, action taken on April 25, 2007, 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 827.

The committee roll call vote on House Bill 827 is as follows:
16, Yeas; 2, Nays; 2, Answering Present.

Y Brosnahan(D), Chairperson
Y Meyer(R), Republican Spokesperson
A Boland(D)
P Bradley, Richard(D)
Y McCarthy(D), Vice-Chairperson
Y Acevedo(D)
Y Bost(R)
P Colvin(D)

N Dunkin(D)
A Granberg(D)
Y Holbrook(D)
Y Lyons(D)
Y May(D)
Y Mitchell, Bill(R)
A Ramey(R)
N Smith(D)
Y Winters(R)
A Fritchey(D)
A Hamos(D)
Y Krause(R)
Y Mathias(R)
Y McAuliffe(R)
Y Osmond(R)
Y Schmitz(R)
Y Moffitt (R) (replacing Watson)

Representative Jakobsson, Chairperson, from the Committee on Human Services to which the following were referred, action taken on April 25, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 2241.

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE JOINT RESOLUTION 41.

That the resolution be reported "recommends be adopted as amended" and be placed on the House Calendar: HOUSE RESOLUTION 139.

The committee roll call vote on Amendment No. 1 to House Bill 2241, House Joint Resolution 41 and House Resolution 139 is as follows:

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

Y Jakobsson(D), Chairperson
Y Bellock(R), Republican Spokesperson
Y Collins(D)
Y Flowers(D)
Y Riley(D)
Y Howard(D), Vice-Chairperson
Y Cole(R)
Y Coulson(R)
Y Froehlich(R)

Representative Burke, Chairperson, from the Committee on Executive to which the following were referred, action taken on April 25, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 1478.

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 1346.

The committee roll call vote on House Bill 1346 is as follows:

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

Y Burke(D), Chairperson
Y Brady(R), Republican Spokesperson
Y Berrios(D)
A Bradley, Richard(D)
A Meyer(R)
A Rita(D)
A Turner(D)
Y Lyons(D), Vice-Chairperson
Y Acevedo(D)
Y Biggins(R)
Y Hassert(R)
Y Molaro(D)
A Saviano(R)

The committee roll call vote on Amendment No. 1 to House Bill 1478 is as follows:

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

Y Burke(D), Chairperson
Y Brady(R), Republican Spokesperson
Y Berrios(D)
Y Bradley, Richard(D)
Y Meyer(R)
Y Rita(D)
Y Lyons(D), Vice-Chairperson
Y Acevedo(D)
Y Biggins(R)
Y Hassert(R)
Y Molaro(D)
Y Beaubien(R) (replacing Saviano)

Y Turner(D)

Representative D'Amico, Chairperson, from the Committee on Drivers Education & Safety to which the following were referred, action taken on April 25, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to HOUSE BILL 3131.

The committee roll call vote on Amendment No. 2 to House Bill 3131 is as follows:
9, Yeas; 0, Nays; 0, Answering Present.

Y D'Amico(D), Chairperson
Y Brauer(R), Republican Spokesperson
Y Brady(R)
Y McAuliffe(R)
Y Mendoza(D)
Y Ramey(R)
Y Ryg(D), Vice-Chairperson
A Boland(D)
Y Flowers(D)
Y McGuire(D)
A Mitchell, Bill(R)

Representative Nekritz, Chairperson, from the Committee on Elections & Campaign Reform to which the following were referred, action taken on April 25, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 2672.

The committee roll call vote on Amendment No. 1 to House Bill 2672 is as follows:
5, Yeas; 4, Nays; 0, Answering Present.

Y Nekritz(D), Chairperson
N Schmitz(R), Republican Spokesperson
Y Beiser(D)
Y Ford(D)
N Pritchard(R)
Y D'Amico(D), Vice-Chairperson
N Brady(R)
N Bost(R)
Y McCarthy(D)

Representative Chapa LaVia, Chairperson, from the Committee on Local Government to which the following were referred, action taken on April 25, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 2306.
Amendment No. 1 to HOUSE BILL 2315.

The committee roll call vote on Amendment No. 1 to House Bill 2306 is as follows:
7, Yeas; 1, Nays; 0, Answering Present.

Y Chapa LaVia(D), Chairperson
A Mathias(R), Republican Spokesperson
Y Fortner(R)
Y Riley(D)
A Sommer(R)
A Tryon(R)
N Flider(D), Vice-Chairperson
Y Reitz (D) (replacing Ford)
Y Mautino(D)
Y Ryg(D)
Y Tracy(R)

The committee roll call vote on Amendment No. 1 to House Bill 2315 is as follows:
8, Yeas; 0, Nays; 0, Answering Present.

Y Chapa LaVia(D), Chairperson
A Mathias(R), Republican Spokesperson
Y Fortner(R)
Y Riley(D)
Y Flider(D), Vice-Chairperson
Y Ford(D)
Y Mautino(D)
Y Ryg(D)

A Sommer(R)
A Tryon(R)
Y Tracy(R)

Representative Washington, Chairperson, from the Committee on Prison Reform to which the following were referred, action taken on April 25, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to HOUSE BILL 3650.

The committee roll call vote on Amendment No. 2 to House Bill 3650 is as follows:

6, Yeas; 2, Nays; 1, Answering Present.

Y Washington(D), Chairperson
N Sacia(R), Republican Spokesperson
Y Hamos(D)
P Poe(R)
Y Turner(D)
Y Jefferies(D), Vice-Chairperson
Y Froehlich(R)
Y Jefferson(D)
N Reboletti(R)

Representative Molaro, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on April 25, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 448.

The committee roll call vote on Amendment No. 1 to House Bill 448 is as follows:

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

Y Molaro(D), Chairperson
Y Lindner(R), Republican Spokesperson
Y Durkin(R)
Y Gordon(D)
A Jefferies(D)
Y Reis(R)
Y Wait(R)
Y Collins(D), Vice-Chairperson
Y Chapa LaVia(D)
Y Golar(D)
Y Howard(D)
Y Reboletti(R)
A Sacia(R)

Representative Hoffman, Chairperson, from the Committee on Transportation and Motor Vehicles to which the following were referred, action taken on April 25, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendments numbered 3, 4 and 5 to HOUSE BILL 1716.
Amendment No. 1 to HOUSE BILL 2284.

The committee roll call vote on Amendments numbered 3, 4 and 5 to House Bill 1716 and Amendment No. 1 to House Bill 2284 is as follows:

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

Y Hoffman(D), Chairperson
A Wait(R), Republican Spokesperson
A Black(R)
A Brosnahan(D)
A Fritchey(D)
Y Joyce(D)
Y Lyons(D)
Y Molaro(D)
Y Reboletti(R)
Y Miller(D), Vice-Chairperson
Y Beiser(D)
Y Brauer(R)
Y D'Amico(D)
Y Graham(D)
Y Kosel(R)
Y McAuliffe(R)
Y Ramey(R)
Y Tracy(R)

Representative Saviano, Chairperson, from the Committee on Registration and Regulation to which the following were referred, action taken on April 25, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to HOUSE BILL 1071.
Amendment No. 1 to HOUSE BILL 3679.
Amendment No. 1 to HOUSE BILL 126.

The committee roll call vote on Amendment No. 1 to House Bill 126 is as follows:
14, Yeas; 0, Nays; 0, Answering Present.

Y Saviano(R), Chairperson
Y Coulson(R), Republican Spokesperson
A Beiser(D)
Y Bradley, Richard(D)
Y Burke(D)
Y Holbrook(D)
Y Joyce(D)
A McAuliffe(R)
A Meyer(R)
Y Mulligan(R)
A Pihos(R)
Y Sullivan(R)
Y Fritchey(D), Vice-Chairperson
Y Acevedo(D)
A Bost(R)
A Brauer(R)
Y Coladipietro(R)
Y Jefferies(D)
Y Kosel(R)
A Mendoza(D)
A Miller(D)
Y Phelps(D)
A Reitz(D)

The committee roll call vote on Amendment No. 2 to House Bill 1071 is as follows:
17, Yeas; 0, Nays; 0, Answering Present.

Y Saviano(R), Chairperson
Y Coulson(R), Republican Spokesperson
A Beiser(D)
Y Bradley, Richard(D)
Y Burke(D)
Y Holbrook(D)
Y Joyce(D)
Y McAuliffe(R)
A Meyer(R)
Y Mulligan(R)
Y Pihos(R)
Y Sullivan(R)
Y Fritchey(D), Vice-Chairperson
Y Acevedo(D)
A Bost(R)
A Brauer(R)
Y Coladipietro(R)
Y Jefferies(D)
Y Kosel(R)
A Mendoza(D)
A Miller(D)
Y Phelps(D)
Y Reitz(D)

The committee roll call vote on Amendment No. 1 to House Bill 3679 is as follows:
15, Yeas; 0, Nays; 0, Answering Present.

Y Saviano(R), Chairperson
Y Coulson(R), Republican Spokesperson
A Beiser(D)
Y Bradley, Richard(D)
Y Burke(D)
Y Holbrook(D)
Y Joyce(D)
A McAuliffe(R)
A Meyer(R)
Y Mulligan(R)
A Pihos(R)
Y Sullivan(R)
Y Fritchey(D), Vice-Chairperson
Y Acevedo(D)
A Bost(R)
A Brauer(R)
Y Coladipietro(R)
Y Jefferies(D)
Y Kosel(R)
A Mendoza(D)
A Miller(D)
Y Phelps(D)
Y Reitz(D)

Representative Osterman, Chairperson, from the Committee on Labor to which the following were referred, action taken on April 25, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to HOUSE BILL 773.

The committee roll call vote on Amendment No. 2 to House Bill 773 is as follows:
13, Yeas; 10, Nays; 0, Answering Present.

Y Osterman(D), Chairperson
N Winters(R), Republican Spokesperson
N Beaubien(R)
Y Boland(D)
N Cultra(R)
N Eddy(R)
Y Graham(D)
Y Hernandez(D)
Y Burke (D) (replacing Howard)
N Lindner(R)
N Sacia(R)
Y Washington(D)
Y McGuire(D) (replacing Soto)
Y Arroyo(D)
N Bellock(R)
Y Colvin(D)
Y D'Amico(D)
Y Davis, William(D)
N Hassert(R)
Y Hoffman(D)
Y Jefferson(D)
N Reis(R)
N Schmitz(R)

Representative McAuliffe, Chairperson, from the Committee on Veterans Affairs to which the following were referred, action taken on April 25, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 2179.

The committee roll call vote on Amendment No. 1 to House Bill 2179 is as follows:
8, Yeas; 0, Nays; 0, Answering Present.

Y McAuliffe(R), Chairperson
Y Watson(R), Republican Spokesperson
A Dugan(D)
Y Golar(D)
Y Moffitt(R)
Y Ford (D) (replacing Phelps)
Y Chapa LaVia(D), Vice-Chairperson
A Bost(R)
Y Flider(D)
Y McCarthy(D)
A Osmond(R)
A Schock(R)

Representative Flowers, Chairperson, from the Committee on Health Care Availability and Access to which the following were referred, action taken on April 25, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to HOUSE BILL 1432.
Amendment No. 1 to HOUSE BILL 1455.
Amendment No. 1 to HOUSE BILL 2419.

The committee roll call vote on Amendment No. 1 to House Bill 1432 is as follows:
8, Yeas; 4, Nays; 0, Answering Present.

Y Flowers(D), Chairperson
N Osmond(R), Republican Spokesperson
Y Dugan(D)
Y Harris(D)
N Krause(R)
N Mulligan(R)
Y Tryon(R)
Y May(D), Vice-Chairperson
Y Crespo(D)
A Golar(D)
Y Hernandez (D) (replacing Howard)
Y McGuire(D)
N Sommer(R)

The committee roll call vote on Amendment No. 1 to House Bill 1455 is as follows:
11, Yeas; 0, Nays; 0, Answering Present.

Y Flowers(D), Chairperson
Y Osmond(R), Republican Spokesperson
Y Dugan(D)
Y Harris(D)
Y Krause(R)
Y Mulligan(R)
Y Tryon(R)
Y May(D), Vice-Chairperson
Y Crespo(D)
A Golar(D)
Y Hernandez (D) (replacing Howard)
Y McGuire(D)
A Sommer(R)

The committee roll call vote on Amendment No. 1 to House Bill 2419 is as follows:
8, Yeas; 2, Nays; 2, Answering Present.

Y Flowers(D), Chairperson
N Osmond(R), Republican Spokesperson
Y Dugan(D)
Y Harris(D)
P Krause(R)
P Mulligan(R)
N Tryon(R)
Y May(D), Vice-Chairperson
Y Crespo(D)
Y Golar(D)
Y Hernandez (D) (replacing Howard)
Y McGuire(D)
A Sommer(R)

Representative Monique Davis, Chairperson, from the Committee on Appropriations-General Services to which the following were referred, action taken on April 25, 2007, 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--Standard Debate: SENATE BILL 241.

The committee roll call vote on Senate Bill 241 is as follows:
4, Yeas; 2, Nays; 1, Answering Present.

Y Davis, Monique(D), Chairperson
N Biggins(R), Republican Spokesperson
Y Collins(D)
Y Riley(D)
Y Hannig(D), Vice-Chairperson
N Brauer(R)
P Cultra(R)

Representative Ryg, Chairperson, from the Committee on Disability Services to which the following were referred, action taken on April 25, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to HOUSE BILL 226.

The committee roll call vote on Amendment No. 2 to House Bill 226 is as follows:
7, Yeas; 0, Nays; 0, Answering Present.

Y Ryg(D), Chairperson
Y Leitch(R), Republican Spokesperson
Y Chapa LaVia(D)
Y Hernandez(D)
Y Ramey(R)
Y Golar(D), Vice-Chairperson
A Bellock(R)
Y Crespo(D)
A Pihos(R)

Representative Jakobsson, Chairperson, from the Committee on Human Services to which the following were referred, action taken on April 25, 2007, reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 4 to HOUSE BILL 317.

The committee roll call vote on Amendment No. 4 to House Bill 317 is as follows:
7, Yeas; 2, Nays; 0, Answering Present.

Y Jakobsson(D), Chairperson
N Bellock(R), Republican Spokesperson
Y Collins(D)
Y Flowers(D)
Y Riley(D)
Y Howard(D), Vice-Chairperson
Y Cole(R)
Y Coulson(R)
N Froehlich(R)

## MOTIONS SUBMITTED

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

**MOTION**

Pursuant to Rule 60(b), I move to table HOUSE BILL 1652.

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

**MOTION**

Pursuant to Rule 58(a), I move to discharge the Committee on Rules from further consideration of HOUSE RESOLUTION 344 and advance to the Order of Resolutions.

## FISCAL NOTES SUPPLIED

Fiscal Notes have been supplied for HOUSE BILLS 147, as amended, 1432, as amended, 1622, 1798, as amended, 3382, and 3650, as amended.

## CORRECTIONAL NOTE SUPPLIED

A Correctional Note has been supplied for HOUSE BILL 3650, as amended.

## JUDICIAL NOTE SUPPLIED

Judicial Notes have been supplied for HOUSE BILLS 1421, as amended, and 1798, as amended.

## HOME RULE NOTE SUPPLIED

A Home Rule Note has been supplied for HOUSE BILL 1421, as amended.

## STATE MANDATES FISCAL NOTE SUPPLIED

State Mandates Fiscal Notes have been supplied for HOUSE BILLS 147, as amended, 1421, as amended, and 1727, as amended.

## PENSION NOTE SUPPLIED

A Pension Note has been supplied for HOUSE BILL 1421, as amended.

## STATE DEBT IMPACT NOTE SUPPLIED

A State Debt Impact Note has been supplied for HOUSE BILL 1421, as amended.

## REQUEST FOR FISCAL NOTE

Representative Sacia requested that a Fiscal Note be supplied for HOUSE BILL 230, as amended.

Representative Black requested that a Fiscal Note be supplied for HOUSE BILL 818, as amended, and 1668, as amended.

Representative Bill Mitchell requested that a Fiscal Note be supplied for HOUSE BILL 1668, as amended.

Representative Osmond requested that a Fiscal Note be supplied for HOUSE BILL 2284, as amended.

Representative Mulligan requested that a Fiscal Note be supplied for HOUSE BILL 2419, as amended.

## REQUEST FOR CORRECTIONAL NOTE

Representative Sacia requested that a Correctional Note be supplied for HOUSE BILL 230, as amended.

## REQUEST FOR STATE DEBT IMPACT NOTE

Representative Sacia requested that a State Debt Impact Note be supplied for HOUSE BILL 230, as amended.

## REQUEST FOR HOUSING AFFORDABILITY IMPACT NOTE

Representative Black requested that a Housing Affordability Impact Note be supplied for HOUSE BILL 818, as amended.

## REQUEST FOR STATE MANDATES FISCAL NOTE

Representative Osmond requested that a State Mandates Fiscal Note be supplied for HOUSE BILL 2284, as amended.

Representative Mulligan requested that a State Mandates Fiscal Note be supplied for HOUSE BILL 2419, as amended.

## MESSAGES FROM THE SENATE

A message from the Senate by
Ms. Shipley, 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. 8

A bill for AN ACT concerning veterans.

SENATE BILL NO. 20

A bill for AN ACT concerning juries.

SENATE BILL NO. 30

A bill for AN ACT concerning criminal law.

SENATE BILL NO. 34

A bill for AN ACT concerning business.

SENATE BILL NO. 38

A bill for AN ACT concerning local government.

SENATE BILL NO. 50

A bill for AN ACT concerning natural resources.

SENATE BILL NO. 51

A bill for AN ACT concerning public aid.

SENATE BILL NO. 69

A bill for AN ACT concerning business.

SENATE BILL NO. 71

A bill for AN ACT concerning transportation.

Passed by the Senate, April 25, 2007.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILLS 8, 20, 30, 34, 38, 50, 51, 69 and 71 were ordered reproduced and placed on the order of Senate Bills - First Reading.

A message from the Senate by

Ms. Shipley, 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. 1665

A bill for AN ACT concerning State government.

SENATE BILL NO. 1686

A bill for AN ACT concerning local government.

SENATE BILL NO. 1729

A bill for AN ACT concerning finance.

Passed by the Senate, April 25, 2007.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILLS 1665, 1686 and 1729 were ordered reproduced and placed on the order of Senate Bills - First Reading.

A message from the Senate by

Ms. Shipley, 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. 21

A bill for AN ACT concerning insurance.

SENATE BILL NO. 101

A bill for AN ACT regarding disabled persons.

SENATE BILL NO. 108

A bill for AN ACT in relation to children.

SENATE BILL NO. 1746

A bill for AN ACT concerning Latino families.

Passed by the Senate, April 25, 2007.

Deborah Shipley, Secretary of the Senate

The foregoing SENATE BILLS 21, 101, 108 and 1746 were ordered reproduced and placed on the order of Senate Bills - First Reading.

## CHANGE OF SPONSORSHIP

With the consent of the affected members, Representative Coulson was removed as principal sponsor, and Representative Hamos became the new principal sponsor of SENATE BILL 1617.

With the consent of the affected members, Representative Hamos was removed as principal sponsor, and Representative Coulson became the new principal sponsor of SENATE BILL 547.

With the consent of the affected members, Representative Moffitt was removed as principal sponsor, and Representative Mathias became the new principal sponsor of HOUSE BILL 1638.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Ramey became the new principal sponsor of HOUSE BILL 3279.

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

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Hernandez became the new principal sponsor of HOUSE BILL 2419.

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 2306.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Jakobsson became the new principal sponsor of BILL 2207.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Chapa LaVia became the new principal sponsor of HOUSE BILL 2179.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Miller became the new principal sponsor of HOUSE BILL 2134.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Fritchey became the new principal sponsor of HOUSE BILL 2672.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Biggins became the new principal sponsor of HOUSE BILL 3270.

With the consent of the affected members, Representative Brady was removed as principal sponsor, and Representative Leitch became the new principal sponsor of HOUSE BILL 1823.

With the consent of the affected members, Representative Biggins was removed as principal sponsor, and Representative Dunn became the new principal sponsor of HOUSE BILL 3649.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative May became the new principal sponsor of HOUSE BILL 2285.

With the consent of the affected members, Representative Fritchey was removed as principal sponsor, and Representative Burke became the new principal sponsor of HOUSE BILL 1455.

With the consent of the affected members, Representative Smith was removed as principal sponsor, and Representative Boland became the new principal sponsor of HOUSE BILL 2013.

With the consent of the affected members, Representative Froehlich was removed as principal sponsor, and Representative Rose became the new principal sponsor of SENATE BILL 174.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Poe became the new principal sponsor of HOUSE BILL 2194.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Smith became the new principal sponsor of HOUSE BILL 2470.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Mendoza became the new principal sponsor of HOUSE BILL 2425.

With the consent of the affected members, Representative Madigan was removed as principal sponsor, and Representative Crespo became the new principal sponsor of HOUSE BILL 2671.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Mulligan became the new principal sponsor of HOUSE BILL 2972.

With the consent of the affected members, Representative Cross was removed as principal sponsor, and Representative Lindner became the new principal sponsor of HOUSE BILL 3256.

## HOUSE RESOLUTIONS

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

### HOUSE RESOLUTION 334

Offered by Representative Bellock:

WHEREAS, The Centers for Disease Control has reported that one in 150 children born today will be diagnosed with an autism spectrum disorder; and

WHEREAS, The Illinois State Board of Education has reported that today there are more than twice as many children in Illinois diagnosed with autism as there were only five years ago; and

WHEREAS, It is estimated that only one of every ten children with autism receives the level and type of services recommended by the National Research Council in 2001; and

WHEREAS, Families of children with autism bear an enormous financial burden of providing needed services and healthcare; and

WHEREAS, Not-for-profit entities such as the Autism Society of Illinois promote through advocacy, public awareness, education, and research, lifelong access and opportunities for persons within the autism spectrum disorder and their families in order that they may be fully included, participating members of their communities; and

WHEREAS, Public entities such as the Illinois Autism Training and Technical Assistance Project and private entities like Giant Steps of Illinois provide educational and therapeutic services to enable children with autism to achieve their maximum potential and strive to improve a child's ability to interact, communicate, and develop academic and daily life skills; these groups work cooperatively with local school districts to reintegrate students with autism into their home school on a full-time or part-time basis based on the individual needs of the student; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we name the month of April 2007 as Autism Awareness Month in the State of Illinois, and we recognize and commend the parents and caregivers of children and adults with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing significant financial costs for specialized education and support services; and be it further

RESOLVED, That we support the following goals: increasing State and federal funding for home and community based services; Medicaid waiver programs that families can direct so that their loved ones with autism can receive appropriate intervention, treatment, and support; expanding direct supports and services for individuals with autism across their life span so that they may have choices and individualized supports, services, and living arrangements; promoting the use of best practices in public schools; promoting understanding and acceptance of the special needs of people with autism and their families; promoting the

full inclusion of persons with autism in our communities; and increasing federal and private funding for research to learn the root causes of autism and to explore potential biomedical treatments for autism; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Autism Society of Illinois, the Illinois Autism Training and Technical Assistance Project and Giant Steps of Illinois.

## HOUSE RESOLUTION 335

Offered by Representative Bellock:

WHEREAS, Developmental disabilities are defined as those disabilities caused by intellectual or cognitive disability, autism, cerebral palsy, epilepsy, or any other condition which results in impairment similar to that of intellectual disability (formerly known as mental retardation), which originates before the age of 18 and is expected to continue indefinitely; and

WHEREAS, Approximately 1.8 percent of the U.S. population is afflicted with a developmental disability and one in 150 children will be diagnosed with autism; and

WHEREAS, Every individual with a developmental disability has the right to live with dignity, to achieve their highest potential, and to be included in our communities; and

WHEREAS, The Autism Society of Illinois, The ARC of Illinois, and the Family Support Network, are not-for-profit organizations dedicated to the purpose of supporting individuals with developmental disabilities; and

WHEREAS, The mission of the Autism Society of Illinois is to promote through advocacy, public awareness, education, and research, lifelong access and opportunities for persons within the autism spectrum disorder and their families in order that they may be fully included, participating members of their communities; and

WHEREAS, The mission of the Arc of Illinois is to empower persons with disabilities to achieve full participation in community life through informed choices; and

WHEREAS, The mission of the Family Support Network is to unify individuals with disabilities and their families to advocate for funding, services, and community resources that strengthen and support the individual and the family directly by responding to their individual needs and empowering them to live in their own homes; the Family Support Network further seeks to ensure the continuation of all individual supports throughout the life span of the individual; and

WHEREAS, Hundreds of persons with developmental disabilities and their families will convene in the Illinois State Capitol on May 16, 2007, to show their support for legislation, funding, and policies that support individuals with developmental disabilities, including autism, and that promote self-determination and inclusion in our communities; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we do hereby proclaim May 16, 2007, as Developmental Disability and Autism Family Day at the Illinois State Capitol; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Illinois Autism Society, The Arc of Illinois, and the Family Support Network as an expression of our esteem.

## HOUSE JOINT RESOLUTION 52

Offered by Representative Monique Davis:

WHEREAS, The brave Americans who serve in the military of the United States have responded swiftly and selflessly whenever called upon to defend our nation and to preserve and protect the founding principles of democracy and freedom; and

WHEREAS, These service members place the national interest above their own, leaving behind family and friends to serve their country; and

WHEREAS, The federal government has an obligation to provide the benefits and care it has promised to Illinois veterans; and

WHEREAS, In every military conflict and national time of need since 1818, the brave men and women of this State have risen to the cause of defending democracy; and

WHEREAS, Many instances of inadequate treatment and care of returning service members and veterans at the United States Department of Veterans Affairs' administration facilities have been exposed recently; and

WHEREAS, Each service member and veteran has the right to the best treatment and care; and

WHEREAS, This nation owes a great debt to its military veterans, many of whom have served in the most remote and volatile parts of the world at great sacrifice to themselves and their families; and

WHEREAS, It is unacceptable that Illinois veterans who seek treatment and care should be left behind by their government; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we encourage the United States Department of Veterans Affairs and United States Department of Defense to ensure that adequate care is provided to veterans and returning service members; and be it further

RESOLVED, That we encourage the Illinois congressional delegation to pursue legislative or administrative remedies needed to allow veterans or service members to utilize private healthcare facilities, including hospitals, so that veterans and service members may receive the care and rehabilitation necessary to continue living their lives; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the President of the United States, the Secretary of the United States Department of Veterans Affairs, the Secretary of the United States Department of Defense, and to each member of the Illinois congressional delegation.

## SENATE BILLS ON FIRST READING

Having been reproduced, the following bills were taken up, read by title a first time and placed in the Committee on Rules: SENATE BILLS 8 (Chapa LaVia), 20 (Rose), 34 (Mathias), 38 (Brady), 50 (Osterman), 51 (Schock), 69 (Froehlich), 71 (D'Amico), 101 (Froehlich), 108 (Chapa LaVia), 461 (Currie), 1380 (Molaro), 1576 (Gordon), 1665 (Moffitt), 1686 (Cross) and 1729 (Chapa LaVia).

## SENATE RESOLUTION

The following Senate Joint Resolution, received from the Senate, were read by the Clerk and referred to the Committee on Rules: SENATE JOINT RESOLUTION 30 (Arroyo).

## AGREED RESOLUTIONS

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

### HOUSE RESOLUTION 331

Offered by Representative Lang:

Welcomes the Chief Minister of Andhra Pradesh, India, Dr. Y.S. Rajasekhara Reddy, to Chicago on May 6, 2007.

### HOUSE RESOLUTION 332

Offered by Representative D'Amico:

Congratulates Tom Bondi on his retirement as Village Trustee for the Village of Niles.

### HOUSE RESOLUTION 333

Offered by Representative Burke:

Congratulates Jerryelyn L. Jones, principal of Curie Metropolitan High School, on her accomplishments and her many years of service to the educational community.

HOUSE RESOLUTION 336

Offered by Representative Coladipietro:
Congratulates the Bloomingdale-Roselle Rotary Club for its many accomplishments.

HOUSE RESOLUTION 337

Offered by Representative Kosel:
Thanks Michael "Mike" Smith, Mayor of Lew Lenox, for his many years of service to the Village of New Lenox.

HOUSE RESOLUTION 338

Offered by Representative Kosel:
Congratulates Rosario (Russ) Petrizzo, outgoing Mayor of Homer Glen, for his service.

HOUSE RESOLUTION 339

Offered by Representative McCarthy:
Congratulates Pam Deiters on her retirement from the Tinley Park Public Library.

HOUSE RESOLUTION 340

Offered by Representative Reboletti:
Mourns the death of Dick Chase of Elmhurst.

HOUSE RESOLUTION 341

Offered by Representative Reboletti:
Congratulates Patrick Amerena on his retirement as President of the Board of Trustees of the Addison Fire Protection District.

## 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 Bost, HOUSE BILL 1492 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 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 Berrios, HOUSE BILL 984 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 Brady, HOUSE BILL 957 was taken up and read by title a third time.

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

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

(ROLL CALL 4)

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

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

On motion of Representative Brauer, HOUSE BILL 1475 was taken up and read by title a third time.

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

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

(ROLL CALL 5)

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

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

On motion of Representative Coulson, HOUSE BILL 982 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 6)

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

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

On motion of Representative Eddy, HOUSE BILL 613 was taken up and read by title a third time.

The Chair moves this bill to standard debate.

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

76, Yeas; 40, Nays; 0, Answering Present.

(ROLL CALL 7)

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

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

On motion of Representative Burke, HOUSE BILL 1657 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:

69, Yeas; 47, 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 Eddy, HOUSE BILL 1784 was taken up and read by title a third time.

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

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

(ROLL CALL 9)

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

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

On motion of Representative Feigenholtz, HOUSE BILL 3604 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 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 Ford, HOUSE BILL 1361 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 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 Franks, HOUSE BILL 1551 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 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 Fritchey, HOUSE BILL 1 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 Flider, HOUSE BILL 736 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 Gordon, HOUSE BILL 3588 was taken up and read by title a third time.
The Chair moves this bill to standard debate.
And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:
110, Yeas; 6, Nays; 0, Answering Present.
(ROLL CALL 15)
This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.
Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Graham, HOUSE BILL 415 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 16)

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

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

On motion of Representative Granberg, HOUSE BILL 161 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; 3, 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 Hamos, HOUSE BILL 742 was taken up and read by title a third time.

Representative Reis asked the Chair if the bill preempted home rule in a manner that it requires an extraordinary vote.

The Chair ruled that the bill requires 60 votes for passage.

The Chair moves this bill to extended debate.

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 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 Harris, HOUSE BILL 3490 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 19)

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

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

On motion of Representative Hoffman, HOUSE BILL 1930 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 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.

## RECESS

At the hour of 12:58 o'clock p.m., Representative Hannig moved that the House do now take a recess until the hour of 3:00 o'clock p.m.

The motion prevailed.

At the hour of 3:32 o'clock p.m., the House resumed its session.

Representative Hannig in the Chair.

**HOUSE BILLS ON SECOND READING**

HOUSE BILL 635. Having been recalled on March 20, 2007, and held on the order of Second Reading, the same was again taken up and held on the order of 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 693.

HOUSE BILL 1662. Having been read by title a second time on March 27, 2007, and held on the order of Second Reading, the same was again taken up.

Representative Colvin offered the following amendment and moved their adoption.

AMENDMENT NO. 2. Amend House Bill 1662 on page 2, by replacing line 17 with the following:
"Illinois residents. The"; and
on page 4, by replacing lines 21 and 22 with the following:
"Goals of"; and
on page 5, by replacing line 15 with the following:
"savings match for".

Floor Amendment No. 3 remained in the Committee on Rules.

Representative Colvin offered the following amendment and moved their adoption.

AMENDMENT NO. 4. Amend House Bill 1662, AS AMENDED, by replacing Section 15 with the following:

"Section 15. Children's Savings Account Task Force. There is hereby created a Children's Savings Account Task Force. The purpose of the task force shall be to review and make recommendations about children's savings account program options and to create a strategic implementation plan to create a savings account at birth for every child born in Illinois to Illinois residents. The task force shall consist of a maximum of 30 members, to be appointed within 60 days after the effective date of this Act. One member shall be appointed by the President of the Senate, one member appointed by the Senate Minority Leader, one member appointed by the Speaker of the House, one member appointed by the House Minority Leader, and one member representing the Office of the State Treasurer appointed by the State Treasurer. All other members shall be appointed by the Governor as follows:

(1) A member of the Governor's leadership staff.

(2) Public members with an interest in asset building in Illinois, including a representative from each of the following types of organizations or entities:

(A) an operator of an individual development account or matched savings and financial education program, or both;

(B) a grassroots organizing entity;

(C) a poverty law center;

(D) a service-based human rights provider organization;

(E) a business association;

(F) a bankers' professional association;

(G) a child advocacy organization

(H) a rural economic development entity;

(I) organized labor;

(J) a bank;

(K) a credit union; and

(L) an investment services provider.

In addition, the following officials shall serve as ex-officio members of the task force: (i) the State Treasurer or his or her designee; (ii) the State Superintendent of Education or his or her designee; (iii) the Secretary of Financial and Professional Regulation or his or her designee; (iv) the Director of Commerce and Economic Opportunity or his or her designee; (v) the Secretary of Human Services or his or her designee; (vi) the Director of Healthcare and Family Services or his or her designee; (vii) the Executive

Director of the Board of Higher Education or his or her designee; (viii) the Executive Director of the Illinois Community College Board or his or her designee; and (ix) the Director of Children and Family Services or his or her designee. Representatives of the Office of the Governor and the Office of the State Treasurer shall serve as co-chairpersons of the task force. The Governor shall designate one of the public members to serve as a third co-chairperson.

The Office of the State Treasurer shall be responsible for administrative and logistical support of the task force, including coordination of task force member appointments, distribution of meeting notices and minutes, coordination of meeting logistics, providing a staff liaison to the task force, facilitation of public meetings, and drafting and filing of the final report. Task force members, or the staff liaison, or both may confer and collaborate with relevant State and national organizations with expertise in asset building, financial education, college savings, investing, home ownership, and small business development, including the Illinois Asset Building Group.

Goals of the program shall include increasing the levels of financial literacy and savings in the State, increasing the number of children in Illinois who own assets and who attend post-secondary education or training, purchase a home, or open a small business. The task force shall consider the following factors in its recommendations for the design of the program:

(1) return on investment, safety of the investment and insurance for the account, ease of managing the account, and ease of making various forms of deposits;

(2) the impact on eligibility for student financial aid, public assistance, and other public benefits, and taxation of the account earnings and distributions;

(3) the provision of financial education to children and families, and access to additional financial services;

(4) restrictions on the withdrawal or distribution prior to the child reaching age 18, portability of the account, and limits on permissible uses of the account;

(5) revenue sources for the initial deposit and any savings match for deposits for children in low-income families;

(6) mechanisms for data collection and tracking; and

(7) all other factors that the task force deems important to the program design.

The task force shall hold at least 4 public meetings at a variety of geographic locations throughout the State at times and places established by the task force. The purpose of the public meetings is to gather information from community residents and institutions, families with children, financial education providers, schools, and local financial services providers. The initial meeting of the task force shall be called by the co-chairs and held no later than 30 days after the task force members are appointed. The activities of the task force shall conclude no later than September 1, 2008.".

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

The foregoing motions prevailed and Amendments numbered 2 and 4 were adopted.

There being no further amendments, the foregoing Amendments numbered 2 and 4 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

HOUSE BILL 1977. Having been recalled on March 28, 2007, and held on the order of Second Reading, the same was again taken up.

Representative Chapa LaVia offered the following amendment and moved its adoption.

AMENDMENT NO. 2 . Amend House Bill 1977, AS AMENDED, in Section 5, Sec. 2-3.142, subsection (a), by replacing "Aurora West Unit School District 129," with "Hutsonville Community Unit School District 1," each time it appears.

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.

## DISTRIBUTION OF SUPPLEMENTAL CALENDAR

Supplemental Calendar No. 1 was distributed to the Members at 3:41 o'clock p.m.

Supplemental Calendar No. 2 was distributed to the Members at 3:42 o'clock p.m.

## SENATE BILLS ON SECOND READING

SENATE BILL 241. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Appropriations-General Services, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 241 by deleting everything after the enacting clause and inserting the following:

"ARTICLE 1

Section 1. The following appropriations in this Article 1 are in addition to all other amounts previously appropriated to the Court of Claims for fiscal year 2007 for the stated purposes and from the stated funds. The following appropriations are for fiscal year 2007.

Section 5. The sum of $7,723,532.86, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Court of Claims for payment of line of duty awards.

Section 7. In addition to any amounts previously appropriated for such purposes, the amount of $5,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Court of Claims to pay claims under the Crime Victims Compensation Act.

Section 8. In addition to any amounts previously appropriated for such purposes, the amount of $2,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Court of Claims to pay claims other than Crime Victims.

Section 10. The following named amounts are appropriated from the General Revenue Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 86-CC-3010, Louisa King, Administrator of the Estate of Christopher King, Jr. Personal Injury, against the Department of Mental Health .....$100,000.00

No. 97-CC-0462, Bianca Angela Principe. Tort, against the Department of Human Services $35,000.00

No. 98-CC-4809, Larry Reichert. Tort, against the University of Illinois.....$100,000.00

No. 99-CC-1445, Cynthia Kurelic, Administrator, of the Estate of George Kurelic, Jr. deceased. Tort, against the Illinois State Police .....$150,000.00

No. 00-CC-3374, Maryann Makkay. Tort, against the University of Illinois.....$51,708.45

No. 01-CC-0056, Joseph Linskey. Contract, against the Secretary of State.....$23,543.62

No. 03-CC-2437, Maurice Johnson. Personal Injury, against the Department of Corrections$8,500.00

No. 03-CC-5023, Mitch Hester, individually and as Next Friend of A.H., a minor. Tort, against the Department of Children and Family Services.....$5,000.00

No. 04-CC-0056, Antonio Cassanova. Personal Injury, against the Illinois State Police.....$50,335.00

No. 05-CC-0199, Dawn Marie McClure. Personal Injury and Property Damage, against Illinois State University. .....$6,000.00

No. 05-CC-2399, John F. Heckinger,Jr. Contract, against the Attorney General.....$37,164.74

No. 06-CC-1906, Wexford Health Sources, Inc. Debt, against the Department of Corrections.$153,528.81

No. 06-CC-1907, Wexford Health Sources, Inc. Debt, against the Department of Corrections.$115,104.70

No, 06-CC-3029, Miner, Barnhill & Galland, P.C.; Mexican-American Legal Defense and Education Fund; and Robins, Kaplan, Miller & Ciresi. Attorney Fees and Costs, or so much thereof as may be necessary, against the State Board of Elections .....$700,000.00

No. 06-CC-0020, Loyola University Medical Center. Debt, against The Department of Human Services.....$283,029.26

No. 06-CC-0020, Loyola University Physicians Foundation. Debt, against The Department of Human Services .....$523,434.50

No. 07-CC-1151, Governors State University. Debt, against the Department of Children and Family Services.....$206,302.08

No. 03-CC-4051, Xellethlyn Williams, as independent administrator of the Estate of James Williams,

Jr. deceased. Tort, against the Department of Human Services ..... $90,000.00

No. 04-CC-1145, Dennis and Valerie Graue. Reimbursement of supplemental expenses, against the Department of Children and Family Services ..... $10,336.29

Section 15. The following named amounts are appropriated to the Court of Claims from the Road Fund 011, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 01-CC-2555, Jeffrey F. Bryan. Tort, against the Department of Transportation ..... $34,565.66

No. 02-CC-2824, Katherine Pillow-Collins. Personal Injury, against the Department of Transportation ..... $80,000.00

No. 04-CC-0719, Edith Gavin. Tort, against the Department of Transportation ..... $5,500.00

No. 05-CC-0240, Allstate Insurance A/S/O Pagan et al. Subrogation, against the Department of Transportation ..... $5,505.47

Section 20. The following named amounts are appropriated to the Court of Claims from Federal Fund 052, Title III Social Security and Employment Service Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000 ..... $17,624.17

Section 25. The following named amounts are appropriated to the Court of Claims from State Fund 288, Community Water Supply Laboratory Fund to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 06-CC-2927, Board of Trustees of SIU. Debt, against the Environmental Protection Agency ..... $76,579.30

Section 30. The following named amounts are appropriated to the Court of Claims from State Fund 301, Working Capital Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000 ..... $24,000.00

Section 35. The following named amounts are appropriated to the Court of Claims from State Fund 312, Communications Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 06-CC-3271, Symphony Service Corporation. Debt, against the Department of Central Management Services ..... $270,650.00

No. 06-CC-3400, SBC. Debt, against the Department of Central Management Services ..... $568,801.81

For payments of awards for lapsed appropriation claims less than $50,000 ..... $21,731.84

Section 40. The following named amounts are appropriated to the Court of Claims from State Fund 314, Facilities Management Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000 ..... $58,572.19

Section 45. The following named amounts are appropriated to the Court of Claims from State Fund 344, Care Provider Fund for Persons With Developmental Disability, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000 ..... $14,808.44

Section 50. The following named amounts are appropriated to the Court of Claims from Federal Fund 488, Criminal Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 06-CC-3289, Department of Corrections. Debt, against the Criminal Justice Information Authority ..... $84,401.01

Section 55. The following named amounts are appropriated to the Court of Claims from Federal Fund 497, Civil Preparedness Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 06-CC-3461, University of Illinois. Debt, against the Emergency Management Agency ..... $144,401.84

Section 60. The following named amounts are appropriated to the Court of Claims from State Fund 614, Capital Litigation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.....$40,826.37

Section 65. The following named amounts are appropriated to the Court of Claims from State Fund 733, Tobacco Settlement Recovery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.....$13,331.63

Section 70. The following named amounts are appropriated to the Court of Claims from State Fund 849, Real Estate Research and Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.....$17,000.00

Section 75. The following named amounts are appropriated to the Court of Claims from State Fund 870, Low Income Home Energy Assistance Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 06-CC-0589, Community & Economic Development Association of Cook County. Debt, against the Department of Healthcare and Family Services.....$305,475.00

Section 80. The following named amounts are appropriated to the Court of Claims from Federal Fund 876, Community Mental Health Services Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000.....$15,000.00

Section 85. The following named amounts are appropriated to the Court of Claims from Federal Fund 063, Public Health Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 07-CC-0489, Aids Foundation of Chicago. Debt, against the Department of Public Health..... .....$100,000.00

For payments of awards for lapsed Appropriation claims less than $50,000.....$26,689.29

Section 90. The following named amounts are appropriated to the Court of Claims from State Fund 304, Statistical Services Revolving Fund to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 06-CC-3189, Anchor Mechanical, Inc. Debt, against the Department of Central Management Services.....$51,700.00

Section 95. The following named amounts are appropriated to the Court of Claims from Federal Fund 876, Community Mental Health Services Block Fund to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 07-CC-0168, Thresholds. Debt, against the Department of Human Services.....$52,152.53

Section 100. The following named amounts are appropriated to the Court of Claims from State Fund 920, Metabolic Screening and Treatment Fund to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation Claims less than $50,000 .....$26,020.00

ARTICLE 2

Section 10. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by changing Sections 5 and 10 and by adding new Section 22 of Article 2, as follows:

(P.A. 94-798, Art. 2, Sec. 5)

Sec. 5. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2006:

FISCAL SUPPORT SERVICES

From the General Revenue Fund:

For Personal Services .....3,325,200

For Employee Retirement Contributions

Paid by Employer....90,900
For Retirement Contributions....118,900
For Social Security Contributions....168,700
For Contractual Services....2,425,000
For Travel....313,700
For Commodities....59,100
For Printing....85,200
For Equipment....70,900
For Telecommunications....468,600
For Operation of Auto Equipment....20,000
Total....$7,146,200

From the Drivers Education Fund:
For Personal Services....48,200
For Employee Retirement Contributions
Paid by Employer....2,500
For Retirement Contributions....500
For Social Security Contributions....1,700
For Group Insurance....17,500
For Refunds....$5,000
Total....$75,400 ~~$70,400~~

From the SBE Federal Department of Agriculture Fund:
For Personal Services....3,433,400 ~~3,133,400~~
For Employee Retirement Contributions
Paid by Employer....215,000 ~~115,000~~
For Retirement Contributions....369,100 ~~269,100~~
For Social Security Contributions....244,700 ~~144,700~~
For Group Insurance....714,100
For Contractual Services....2,180,500
For Travel....300,000
For Commodities....75,000
For Printing....75,000
For Equipment....75,000
For Telecommunications....50,000
Total....$7,731,800 ~~$7,131,800~~

From the SBE Federal Agency Services Fund:
For Contractual Services....12,000
For Travel....30,000
For Commodities....9,000
For Printing....2,000
For Equipment....11,000
For Telecommunications....9,000
Total....$73,000

From the SBE Federal Department of Education Fund:
For Personal Services....1,081,000
For Employee Retirement Contributions
Paid by Employer....32,000
For Retirement Contributions....102,600
For Social Security Contributions....77,400
For Group Insurance....257,400
For Contractual Services....3,125,500
For Travel....1,350,000
For Commodities....305,000
For Printing....341,000
For Equipment....380,000
For Telecommunications....400,000
Total....$7,451,900

From the General Revenue Fund:
For Personal Services ..... 2,268,100
For Employee Retirement Contributions
Paid by Employer ..... 81,400
For Retirement Contributions ..... 109,800
For Social Security Contributions ..... 103,700
For Contractual Services ..... 815,000
Total ..... $3,378,000
From the SBE Federal Department of Agriculture Fund:
For Contractual Services ..... 30,000
Total ..... $30,000
From the SBE Federal Department of Education Fund:
For Personal Services ..... 385,100
For Employee Retirement Contributions
Paid by Employer ..... 15,300
For Retirement Contributions ..... 29,200
For Social Security Contributions ..... 8,700
For Group Insurance ..... 87,000
For Contractual Services ..... 225,000
Total ..... $750,300

HUMAN RESOURCES

From the General Revenue Fund:
For Personal Services ..... 559,900
For Employee Retirement Contributions
Paid by Employer ..... 27,700
For Retirement Contributions ..... 37,700
For Social Security Contributions ..... 38,800
For Contractual Services ..... 50,000
Total ..... $714,100
From the SBE Federal Department of Agriculture Fund:
For Contractual Services ..... 10,500
Total ..... $10,500
From the SBE Federal Department of Education Fund:
For Contractual Services ..... 70,000
Total ..... $70,000

INTERNAL AUDIT

From the General Revenue Fund:
For Personal Services ..... 117,200
For Employee Retirement Contributions
Paid by Employer ..... 6,300
For Retirement Contributions ..... 7,400
For Social Security Contributions ..... 10,000
For Contractual Services ..... 3,000
Total ..... $143,900

SCHOOL SUPPORT SERVICES FOR ALL SCHOOLS

From the General Revenue Fund:
For Personal Services ..... 4,191,900
For Employee Retirement Contributions
Paid by Employer ..... 170,700
For Retirement Contributions ..... 146,600
For Social Security Contributions ..... 216,300
For Contractual Services ..... 1,838,000
Total ..... $6,563,500
From the Teacher Certificate Fee Revolving Fund:
For Personal Services ..... 81,300
For Employee Retirement Contributions
Paid by Employer ..... 3,500

For Retirement Contributions....500
For Social Security Contributions....1,200
For Group Insurance....14,500
Total....$101,000
From the SBE Federal Department of Agriculture Fund:
For Personal Services....162,900
For Employee Retirement Contributions
Paid by Employer....6,500
For Retirement Contributions....12,400
For Social Security Contributions....2,400
For Group Insurance....61,300
For Contractual Services....279,000
Total....$524,500
From the SBE Federal Department of Education Fund:
For Personal Services....2,174,400
For Employee Retirement Contributions
Paid by Employer....90,000
For Retirement Contributions....183,400
For Social Security Contributions....104,400
For Group Insurance....464,000
For Contractual Services....2,483,900
Total....$5,500,100
From the School Infrastructure Fund:
For Personal Services....81,300
For Employee Retirement Contributions
Paid by Employer....3,200
For Retirement Contributions....500
For Social Security Contributions....2,500
For Group Insurance....17,500
Total....$105,000

SPECIAL EDUCATION SERVICES

From the SBE Federal Department of Education Fund:
For Personal Services....3,887,300
For Employee Retirement Contributions
Paid by Employer....143,300
For Retirement Contributions....308,800
For Social Security Contributions....200,000
For Group Insurance....826,500
For Contractual Services....1,850,000
Total....$7,215,900

TEACHING AND LEARNING SERVICES FOR ALL CHILDREN

From the General Revenue Fund:
For Personal Services....$3,650,000
For Employee Retirement Contributions
Paid by Employer....150,400
For Retirement Contributions....133,900
For Social Security Contributions....168,400
For Contractual Services....726,200
Total....$4,828,900
From the Teacher Certificate Fee Revolving Fund:
For Personal Services....699,800
For Employee Retirement Contributions
Paid by Employer....20,200
For Retirement Contributions....37,200
For Social Security Contributions....51,700
For Group Insurance....174,000
Total....$982,900

From the SBE Federal Agency Services Fund:
For Personal Services ..... 186,100
For Employee Retirement Contributions Paid by Employer ..... 7,300
For Retirement Contributions ..... 13,900
For Social Security Contributions ..... 15,000
For Group Insurance ..... 43,500
For Contractual Services ..... 203,000
Total ..... $468,800

From the SBE Federal Department of Education Fund:
For Personal Services ..... 5,684,100
For Employee Retirement Contributions Paid by Employer ..... 204,700
For Retirement Contributions ..... 488,800
For Social Security Contributions ..... 237,600
For Group Insurance ..... 1,174,500
For Contractual Services ..... 5,880,400
Total ..... $13,670,100

(P.A. 94-798, Art. 2, Sec. 10)

Sec. 10. The following amounts or so much thereof as may be necessary, which shall be used by the Illinois State Board of Education exclusively for the foregoing purposes and not, under any circumstances, for personal services expenditures or other operational or administrative costs, are appropriated to the Illinois State Board of Education for the fiscal year beginning July 1, 2006:

From the General Revenue Fund:
For Mentoring, After School and Student Support Programs ..... ~~24,128,400~~ 25,823,400
For Blind/Dyslexic Persons ..... 518,800
For Charter Schools ..... 3,421,500
For costs associated with the Chicago Aerospace Education Initiative ..... 920,000
For Disabled Student Services/Materials ..... 368,500,000
For Disabled Student Transportation Reimbursement ..... 326,607,800
For Disabled Student Tuition, Private Tuition ..... 109,080,000
For District Consolidation Costs/ Supplemental Payments to School Districts, 18-8.2, 18-18.3, 18-8.5, 18-8.05(l) of the School Code ..... 7,850,000
For Extraordinary Special Education, 14-7.02 of the School Code ..... 268,892,600
For the Illinois Governmental Internship Program ..... 129,900
For Grants to Non-Profits and Community Organizations ..... 3,260,000
For Grants for School Transportation ..... 1,200,000
For Healthy Kids/Healthy Minds/ Expanded Vision ..... 3,000,000
For Jobs for Illinois Grads ..... 4,000,000
For the Metro East Consortium for Child Advocacy ..... 217,100
For Parental Guardian Programs/ Transportation Reimbursement ..... 14,454,700
For the Philip J. Rock Center and School ..... 3,220,500
For Reimbursement for the Free Breakfast/

Lunch Program ..... 21,000,000
For the School Breakfast Incentive
Program ..... 723,500
For South Cook Intermediate Service Center ..... 300,000
For Standards, Assessments and
Accountability ..... 3,342,700
For Summer School Payments, 18-4.3
of the School Code ..... 8,694,000
For Tax-Equivalent Grants, 18-4.4 of
the School Code ..... 222,600
For Textbook Loans, 18-17 of the
School Code ..... 29,126,500
For Transitional Assistance ..... 11,800,000
For Transition of Minority Students ..... 578,800
For Transportation-Regular/Vocational
Common School Transportation
Reimbursement, 29-5 of the School Code ..... 286,118,000
For Visually Impaired/Educational
Materials Coordinating Unit, 14-11.01
of the School Code ..... 2,121,000
For Regular Education Reimbursement
Per 18-3 of the School Code ..... 13,130,000
For Special Education Reimbursement
Per 14-7.03 of the School Code ..... 79,400,000
For all costs associated with Alternative
Education/Regional Safe Schools ..... 18,535,500
For Truant Alternative and Optional
Education Program ..... 18,078,100
For costs associated with Teach for America ..... 450,000
For grants to Local Education Agencies
to conduct Agriculture Education
Programs ..... 2,881,200
Total ..... $1,635,903,200

From the Education Assistance Fund:
For Career and Technical Education ..... 38,562,100
For the Early Childhood Block Grant ..... 318,254,500
For General State Aid ..... 833,560,000
For General State Aid – Hold Harmless ..... 20,211,500
For the Reading Improvement Block
Grant ..... 76,139,800
For the School Safety and Educational
Improvement Block Grant ..... 74,841,000
For the Summer Bridges Program ..... 22,238,100
For Teacher Education, including prior year
costs ..... 9,605,000
For the Illinois Teaching
Excellence Program ..... 135,000
For Technology for Success ..... 6,169,700
Total ..... $1,399,716,700

From the Common School Fund:
For General State Aid ..... 3,312,558,200
For Advanced Placement Classes ..... 1,500,000
For Arts and Foreign Language Education,
Pursuant to Section 105 ILCS 5/2-3.65a ..... 4,000,000
For Grow Your Own Teachers ..... 3,000,000
For Regional Superintendents' and
Assistants' Compensation ..... 8,150,000

Total.....$3,329,208,200
From the General Revenue Fund:
For Regional Superintendent's Services.....6,470,000
From the School District Emergency
Financial Assistance Fund:
For Emergency Financial Assistance, 1B-8
of the School Code.....1,000,000
From the Drivers Education Fund:
For Drivers Education .....17,929,600
From the Charter Schools Revolving Loan Fund:
For Charter Schools Loans .....20,000
From the School Technology Revolving Loan Fund:
For School Technology Loans, 2-3.117a
of the School Code.....5,000,000
From the Temporary Relocation Expenses
Revolving Grant Fund:
For Temporary Relocation Expenses, 2-3.77
of the School Code.....1,400,000
From the State Board of Education Federal
Agency Services Fund:
For Learn and Serve America.....2,500,000
From the State Board of Education Federal
Agency Services Fund:
For Refugee Services.....2,000,000
From the State Board of Education Federal
Department of Agriculture Fund:
For Child Nutrition .....475,000,000
From the State Board of Education
Federal Department of Education Fund:
For Title I .....642,000,000
For Title I, Reading First .....50,000,000
For Title II, Teacher/Principal Training .....134,830,000
For Title III, English Language
Acquisition.....40,000,000
For Title IV, 21st Century/Community
Service Programs .....45,000,000
For Title IV, Safe and Drug Free Schools .....20,000,000
For Title V, Innovation Programs.....10,000,000
For Title VI, Rural and Low Income
Students .....1,500,000
For Title X, McKinney Homeless
Assistance .....3,250,000
For Enhancing Education through Technology .....30,000,000
For Individuals with Disabilities Act,
Deaf/Blind .....380,000
For Individuals with Disabilities Act,
IDEA.....550,000,000
For Individuals with Disabilities Act,
Improvement Program .....2,500,000
For Individuals with Disabilities Act,
Model Outreach Program Grants .....400,000
For Individuals with Disabilities Act,
Pre-School .....25,000,000
For Grants for Vocational
Education – Basic .....50,000,000
For Grants for Vocational
Education – Technical Preparation .....5,000,000

For Charter Schools.....2,500,000
For Transition to Teaching.....1,000,000
For Advanced Placement Fee.....2,000,000
For Math/Science Partnerships.....9,000,000
For Special Federal Congressional Projects.....5,000,000
Total.....$1,629,360,000

(P.A. 94-798, Art. 2, Sec. 22, new)

Sec. 22. The amount of $863,000, or so much thereof as may be necessary and remains unexpended at the close of business on August 31, 2006, for appropriations heretofore made for such purpose in Article 82.1, Section 10 of Public Act 94-0015, is reappropriated from the Common School Fund to the Illinois State Board of Education for Arts Education.

Section 15. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by changing Section 120 of Article 6, as follows:

(P.A. 94-798, Art. 6, Sec. 120)

Sec. 120. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Community College Board for a grant to the Black United Fund of Illinois to provide assistance to minority students in completing their baccalaureate degrees ~~for grants to community colleges for coordinators, recruiters, and related expenses~~.

Section 20. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by adding new Section 20 of Article 26, as follows:

(P.A. 94-798, Art. 26, Sec. 20, new)

Sec. 20. The amount of $100,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of the State Treasurer for costs associated with transitional expenses.

Section 21. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by changing Sections 5, 10, 15, 20, and 25 of Article 28, as follows:

(P.A. 94-798, Art. 28, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to pay the elected State officers of the Executive Branch of the State Government, at various rates prescribed by law:

| | | |
|---|---|---|
| For the Governor | 158,000 | ~~150,700~~ |
| For the Lieutenant Governor | 120,800 | ~~115,300~~ |
| For the Secretary of State | 139,400 | ~~133,000~~ |
| For the Attorney General | 139,400 | ~~133,000~~ |
| For the Comptroller | 120,800 | ~~115,300~~ |
| For the State Treasurer | 120,800 | ~~115,300~~ |
| Total | $799,200 | ~~$762,600~~ |

(P.A. 94-798, Art. 28, Sec. 10)

Sec. 10. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to pay certain appointed officers of the Executive Branch of the State Government, at the various rates prescribed by law:

From General Revenue Fund

| | | |
|---|---|---|
| **Department on Aging** | | |
| For the Director | 105,000 | 102,200 |
| **Department of Agriculture** | | |
| For the Director | 121,000 | 117,800 |
| For the Assistant Director | 102,700 | 100,000 |
| **Department of Central Management Services** | | |
| For the Director | 129,200 | 125,800 |
| For 2 Assistant Directors | 219,700 | 213,900 |
| **Department of Children and Family Services** | | |
| For the Director | 134,000 | ~~128,100~~ |
| **Department of Corrections** | | |
| For the Director | 134,000 | ~~128,100~~ |
| For the Assistant Director | 116,000 | ~~112,900~~ |
| **Department of Commerce and Economic Opportunities** | | |
| For the Director | 129,200 | ~~125,800~~ |

For the Assistant Director ..... 109,900 ~~107,000~~

Environmental Protection Agency

For the Director ..... 121,000 ~~117,800~~

Department of Financial and Professional Regulation

For the Secretary ..... 125,800

For the Director ..... 105,000 ~~102,200~~

For the Director ..... 121,000 ~~117,800~~

For the Director ..... 112,700 ~~109,700~~

Department of Human Services

For the Secretary ..... 134,000 ~~128,100~~

For 2 Assistant Secretaries ..... 231,800 ~~225,700~~

Department of Juvenile Justice

For the Director ..... 112,900

Department of Labor

For the Director ..... 112,700 ~~109,700~~

For the Assistant Director ..... 102,700 ~~100,000~~

For the Chief Factory Inspector ..... 46,500 ~~44,400~~

For the Superintendent of Safety Inspection and Education ..... 51,200 ~~48,800~~

Department of State Police

For the Director ..... 120,300 ~~117,200~~

For the Assistant Director ..... 102,700 ~~100,000~~

Department of Military Affairs

For the Adjutant General ..... 105,500 ~~102,200~~

For two Chief Assistants to the Adjutant General ..... 178,800 ~~174,100~~

Department of Natural Resources

For the Director ..... 121,000 ~~117,800~~

For the Assistant Director ..... 102,700 ~~100,000~~

For six Mine Officers ..... 83,700 ~~79,800~~

For four Miners' Examining Officers ..... 46,000 ~~43,900~~

Illinois Labor Relations Board

For the Chairman ..... 93,000 ~~88,700~~

For four State Labor Relations Board members ..... 334,500 ~~319,200~~

For two Local Labor Relations Board members ..... 167,300 ~~159,600~~

Department of Healthcare and Family Services

For the Director ..... 129,200 ~~125,800~~

For the Assistant Director ..... 109,900 ~~107,000~~

Department of Public Health

For the Director ..... 134,000 ~~128,100~~

For the Assistant Director ..... 116,000 ~~112,900~~

Department of Revenue

For the Director ..... 129,200 ~~125,800~~

For the Assistant Director ..... 109,900 ~~107,000~~

Property Tax Appeal Board

For the Chairman ..... 57,700 ~~55,000~~

For four members ..... 185,800 ~~177,300~~

Department of Veterans' Affairs

For the Director ..... 105,000 ~~102,200~~

For the Assistant Director ..... 89,500 ~~87,100~~

Civil Service Commission

For the Chairman ..... 27,700 ~~26,900~~

For four members ..... 88,400 ~~82,400~~

Commerce Commission

For the Chairman ..... 119,400 ~~113,900~~

For four members.....416,800 ~~397,700~~

Court of Claims

For the Chief Judge.....57,900 ~~55,200~~

For the six Judges.....320,100 ~~305,400~~

State Board of Elections

For the Chairman.....52,100 ~~49,700~~

For the Vice-Chairman.....42,800 ~~40,800~~

For six members.....200,700 ~~191,500~~

Illinois Emergency Management Agency

For the Director.....105,000 ~~102,200~~

For the Assistant Director.....105,000 ~~102,200~~

Department of Human Rights

For the Director.....105,000 ~~102,200~~

Human Rights Commission

For the Chairman.....46,500 ~~44,400~~

For twelve members.....501,700 ~~478,700~~

Illinois Workers' Compensation Commission

For the Chairman.....111,500 ~~106,400~~

For nine members.....960,100 ~~916,200~~

Liquor Control Commission

For the Chairman.....34,700 ~~33,100~~

For six members.....181,900 ~~173,600~~

For the Secretary.....33,500 ~~32,000~~

For the Chairman and one member as designated by law, $200 per diem for work on a license appeal commission.....55,000

Executive Ethics Commission

For nine members.....301,100 ~~287,300~~

Pollution Control Board

For the Chairman.....107,800 ~~102,900~~

For four members.....416,800 ~~397,700~~

Prisoner Review Board

For the Chairman.....85,400 ~~81,500~~

For fourteen members of the Prisoner Review Board.....1,070,300 ~~1,021,300~~

Secretary of State Merit Commission

For the Chairman.....15,400 ~~14,700~~

For four members.....46,000 ~~43,900~~

Educational Labor Relations Board

For the Chairman.....93,000 ~~88,700~~

For four members.....334,500 ~~319,200~~

Department of State Police

For five members of the State Police Merit Board, $212 ~~$202~~ per diem, whichever is applicable in accordance with law, for a maximum of 100 days each.....105,800 ~~101,000~~

Department of Transportation

For the Secretary.....134,000 ~~128,100~~

For the Assistant Secretary.....116,000 ~~112,900~~

Office of Small Business Utility Advocate

For the small business utility advocate.....0

Total, General Revenue Fund $11,691,600 ~~$11,243,900~~

Office of the State Fire Marshal

For the State Fire Marshal:

From Fire Prevention Fund.....105,000 ~~102,200~~

Illinois Racing Board

For eleven members of the Illinois Racing Board, $300 per diem to a maximum $11,155 ~~10,640~~ as prescribed by law:

From the Horse Racing Fund ..... 122,700 ~~117,100~~

Department of Employment Security

Payable from Title III Social Security and Employment Service Fund:

For the Director ..... 129,200 ~~125,800~~

For five members of the Board of Review ..... 75,000

Total ..... $204,200 ~~$200,800~~

Department of Financial and Professional Regulation

Payable from Bank and Trust Company Fund:

For the Director ..... 123,600 ~~120,400~~

Subtotals:

General Revenue ..... 11,691,600 ~~11,243,900~~

Fire Prevention ..... 105,000 ~~102,200~~

Horse Racing ..... 122,700 ~~117,100~~

Bank and Trust Company Fund ..... 123,600 ~~120,400~~

Title III Social Security and Employment Service Fund ..... 204,200 ~~200,800~~

Total ..... $12,247,100 ~~$11,784,400~~

(P.A. 94-798, Art. 28, Sec. 15)

Sec. 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the State Comptroller to pay certain officers of the Legislative Branch of the State Government, at the various rates prescribed by law:

Office of Auditor General

For the Auditor General ..... 118,000 ~~112,600~~

For two Deputy Auditor Generals ..... 219,300 ~~209,300~~

Total ..... $337,300 ~~$321,900~~

Officers and Members of General Assembly

For salaries of the 118 members of the House of Representatives at a base salary of $57,619 for members of the 94th General Assembly and $63,143 for members of the 95th General Assembly that includes the cost of living adjustments recommended by the Compensation Review Board's 2006 Report ..... 7,245,800 ~~6,914,300~~

For salaries of the 59 members Of the Senate at a base salary of $57,619 for members of the 94th General Assembly and $63,143 for members of the 95th General Assembly that includes the cost of living adjustments recommended by the Compensation Review Board's 2006 Report ..... 3,683,300 ~~3,514,800~~

Total ..... $10,929,100 ~~$10,429,100~~

For additional amounts, as prescribed by law, for party leaders in both chambers as follows:

For the Speaker of the House, the President of the Senate and Minority Leaders of both Chambers ..... 98,000 ~~93,600~~

For the Majority Leader of the House ..... 20,800 ~~19,800~~

For the eleven assistant majority and

minority leaders in the Senate ..... 202,300 ~~193,000~~
For the twelve assistant majority and minority leaders in the House ..... 193,100 ~~184,200~~
For the majority and minority caucus chairmen in the Senate ..... 36,800 ~~35,100~~
For the majority and minority conference chairmen in the House ..... 32,200 ~~30,700~~
For the two Deputy Majority and the two Deputy Minority leaders in the House ..... 70,500 ~~67,300~~
For chairmen and minority spokesmen of standing committees in the Senate except the Rules Committee, the Committee on Committees and the Committee on the Assignment of Bills ..... 398,200 ~~315,800~~
For chairmen and minority spokesmen of standing and select committees in the House ..... 852,400 ~~666,600~~
Total ..... $1,904,300 ~~$1,606,100~~
For per diem allowances for the members of the Senate, as provided by law ..... 324,000
For per diem allowances for the members of the House, as provided by law ..... 709,000
For mileage for all members of the General Assembly, as provided by law ..... 405,000
Total ..... $1,438,000

(P.A. 94-798, Art. 28, Sec. 20)

Sec. 20. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the State Comptroller in connection with the payment of salaries for officers of the Executive and Legislative Branches of State Government:

For State Contribution to State Employees' Retirement System:
From General Revenue Fund ..... 1,385,600 ~~1,332,500~~
From Horse Racing Fund ..... 14,200 ~~13,500~~
From Fire Prevention Fund ..... 12,200 ~~11,800~~
From Bank and Trust Company Fund ..... 14,300 ~~13,900~~
From Title III Social Security and Employment Service Fund ..... 23,600 ~~23,200~~
Savings and Residential Finance Regulatory Fund ..... 0
Real Estate License Administration Fund ..... 0
Total ..... $1,449,900 ~~$1,394,900~~
For State Contribution to Social Security:
From General Revenue Fund ..... 1,017,300 ~~953,500~~
From Horse Racing Fund ..... 9,500 ~~9,000~~
From Fire Prevention Fund ..... 7,500 ~~7,400~~
From Bank and Trust Company Fund ..... 7,700 ~~7,600~~
From Title III Social Security and Employment Service Fund ..... 13,500
From Savings and Residential Finance Regulatory Fund ..... 0
From Real Estate License Administration Fund ..... 0
Total ..... $1,055,500 ~~$991,000~~

For Group Insurance:
From Fire Prevention Fund ..... 14,500
From Bank and Trust Company Fund .....14,500
From Title III Social Security and
Employment Service Fund.....87,000
Savings and Residential Finance
Regulatory Fund .....0
Real Estate License Administration Fund ..... 0
Total.....$116,000
(P.A. 94-798, Art. 28, Sec. 25)

Sec. 25. The amount of $486,600 ~~$440,000~~, or so much thereof as may be necessary, is appropriated to the State Comptroller for contingencies in the event that any amounts appropriated in Sections 5 through 20 of this Article are insufficient and other expenses associated with the administration of Sections 5 through 20.

Section 23. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by changing Section 5 of Article 30, as follows:

(P.A. 94-798, Art. 30, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Commerce and Economic Opportunity ~~State Comptroller~~ in connection with the Illinois Global Partnership Act:

From General Revenue Fund.....2,500,000
From Agricultural Premium Fund .....1,006,200
From International Tourism Fund .....2,500,000
Total.....$6,006,200

Section 24. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by changing Section 5 of Article 32, as follows:

(P.A. 94-798, Art. 32, Sec. 5)

Sec. 5. The following named sums, or so much thereof as may be necessary, respectively, are appropriated to the Supreme Court to pay the ordinary and contingent expenses of certain officers of the court system of Illinois as follows:

For Personal Services:
Judges' Salaries ..... 149,003,200 ~~147,859,600~~
For Travel:
Judicial Officers.....1,208,900
For State Contributions
to Social Security .....2,160,500 ~~2,143,900~~
Total, this Section ..... $152,372,600 ~~$151,212,400~~

Section 25. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by changing Section 25 of Article 37, as follows:

(P.A. 94-798, Art. 37, Sec. 25)

Sec. 25. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

BUREAU OF BENEFITS
PAYABLE FROM GENERAL REVENUE FUND

For Group Insurance.....32,349,200
For payment of claims under the
Representation and Indemnification
in Civil Lawsuits Act .....1,347,400
For auto liability, adjusting and administration
of claims, loss control and prevention
services, and auto liability claims .....1,600,200
Total.....$35,296,800

PAYABLE FROM GROUP INSURANCE PREMIUM FUND

For expenses of Cost Containment Program ..... 288,000
For Life Insurance Coverage As Elected
By Members Per The State Employees

Group Insurance Act of 1971 ..... 85,919,400

PAYABLE FROM HEALTH INSURANCE RESERVE FUND

For Expenses of a Cost Containment Program ..... 158,900

For provisions of Health Care Coverage As Elected by Eligible Members Per The State Employees Group Insurance Act of 1971 ..... 13,752,000

PAYABLE FROM WORKERS' COMPENSATION REVOLVING FUND

For Personal Services ..... 1,731,600

For Employee Retirement Contributions Paid by Employer ..... 0

For State Contributions to State Employees' Retirement System ..... 199,600

For State Contributions to Social Security ..... 132,500

For Group Insurance ..... 507,500

For Contractual Services ..... 90,100

For Travel ..... 15,000

For Commodities ..... 9,000

For Printing ..... 3,000

For Equipment ..... 2,000

For Electronic Data Processing ..... 10,900

For Telecommunications Services ..... 19,000

For Operation of Automotive Equipment ..... 400

Total ..... $2,720,600

For administrative costs of claims services and payment of temporary total disability claims of any state agency or university employee ..... 650,000

For payment of Workers' Compensation Act claims and contractual services in connection with said claims payments ..... 119,598,100

~~connection with said claims payments ..... 108,200,000~~

Expenditures from appropriations for treatment and expense may be made after the Department of Central Management Services has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person.

PAYABLE FROM STATE EMPLOYEES DEFERRED COMPENSATION FUND

For expenses related to the administration of the State Employees Deferred Compensation Plan ..... 1,698,300

Section 30. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by changing Section 5 of Article 38, as follows:

(P.A. 94-798, Art. 38, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the State Civil Service Commission:

For Personal Services ..... 232,600

For Employee Retirement Contributions Paid by Employer ..... 0

For State Contributions to State Employees' Retirement System ..... 26,800

For State Contributions to Social Security ..... 17,100

For Contractual Services ..... 77,400 ~~55,400~~

For Travel ..... 35,600

For Commodities....3,900
For Printing....1,200
For Equipment....1,000
For Telecommunications Services....7,500
Total....$403,100 ~~$381,100~~

Section 33. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by changing Section 135 of Article 39, as follows:

(P.A. 94-798, Art. 39, Sec. 135)

Sec. 135. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Commerce and Economic Opportunity:

Payable from the General Revenue Fund:

For all costs associated with the Southern Illinois Economic Development Authority....500,000

For all costs associated with the Central Illinois Economic Development Authority....500,000

For all costs associated with Lifelong Learning Accounts....400,000

For a grant associated with Illinois Manufacturers' Association....2,000,000

For a grant associated with Chicago Rehabilitation Network Technical Assistance....200,000

For a grant associated with the Anticipatory Design Science Center....100,000

For all costs associated with the Mid-America Medical District....250,000

For a grant to the Coalition for United Community Action....400,000

For grants, contracts and administrative expenses associated with the expanding employment opportunities for minorities and targeted populations in construction trades....6,250,000

For grants to local governments for infrastructure improvements and economic development purposes....9,100,000

For grants to units of local government, for profit organizations, not-for-profit organizations, community organizations and educational facilities for all costs associated with operational expenses and infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, vehicles, other capital and related expenses, and for all costs associated with economic development programs, educational and training programs, social service programs, and public health and safety programs....3,634,000

For grants to units of local government, for profit organizations, not-for-profit organizations, community organizations and educational facilities for all costs associated with operational expenses and infrastructure improvements including but not limited to planning,

construction, reconstruction, renovation, equipment, vehicles, other capital and related expenses, and for all costs associated with economic development programs, educational and training programs, social service programs, and public health and safety programs ..... 7,437,800
Total ..... $30,271,800

(Source: P.A. 94-798, eff. 7-1-06.)

Section 35. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by adding new Section 45 of Article 40, as follows:

(P.A. 94-798, Art. 40, Sec. 45, new)

Section 45. The sum of $300,000, or so much thereof as may be necessary, is appropriated from the Public Utility Fund to the Illinois Commerce Commission for costs associated with the implementation of House Bill 4977 of the 94th General Assembly, which establishes the Office of Retail Market Development. This Section is operative only if House Bill 4977 of the 94th General Assembly becomes law.

Section 37. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by changing Section 5 of Article 48, as follows:

(P.A. 94-798, Art. 48, Sec. 5)

Sec. 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Historic Preservation Agency:

FOR OPERATIONS
EXECUTIVE OFFICE
PAYABLE FROM GENERAL REVENUE FUND

For Personal Services ..... 1,263,600
For State Contributions to State Employees' Retirement System ..... 145,700
For State Contributions to Social Security ..... 96,400
For Contractual Services ..... 101,800
For Contractual Services ..... 90,300
For Travel ..... 12,900
For Commodities ..... 6,300
For Printing ..... 68,900
For Electronic Data Processing ..... 39,800
For Telecommunications Services ..... 21,700
For expenses related to or in support of the Amistad Commission ..... 250,000 ~~150,000~~
For expenses related to or in support of the Lincoln Bicentennial ..... 500,000
Total ..... $2,497,400

PAYABLE FROM ILLINOIS HISTORIC SITES FUND

For Contractual Services ..... 55,000
For Commodities ..... 1,000
For Printing ..... 16,300
For Equipment ..... 1,000
Total ..... $73,300
For historic preservation programs administered by the Executive Office, only to the extent that funds are received through grants, and awards, or gifts ..... 90,000

Section 40. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by changing Section 20 of Article 54, as follows:

(P.A. 94-798, Art. 54, Sec. 20)

Sec. 20. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Revenue as follows:

Payable from General Revenue Fund:
For the State's Share of County Supervisors of Assessments' or County Assessors' salaries, as provided by law ..... 2,550,000
For additional compensation for local assessors, as provided by Sections 2.3 and 2.6 of the "Revenue Act of 1939", as amended ..... 500,000
For additional compensation for local assessors, as provided by Section 2.7 of the "Revenue Act of 1939", as amended ..... 702,000
For additional compensation for county treasurers, pursuant to Public Act 84-1432, as amended ..... 663,000
For the State's Share of State's Attorneys' And Assistant State's Attorneys' salaries, Including prior years costs ..... 12,372,700
For the annual stipend for Sheriffs as Provided in subsection (d) of Section 4-6300 and Section 4-8002 of the Counties Code ..... 663,000
For the annual stipend to county Coroners pursuant to 55 ILCS 5/4-6002 Including prior years costs ..... 663,000
For the State's Share of county Public Defenders' salaries Pursuant to 55 ILCS 5/3-4007 ..... 5,400,000 ~~3,700,000~~
Total ..... $23,513,700 ~~$21,813,700~~

Payable from State and Local Sales Tax Reform Fund:
For Allocation to Chicago for additional 1.25% Use Tax Pursuant to P.A. 86-0928 ..... 46,386,400

Payable from Local Government Distributive Fund:
For Allocation to Local Governments of additional 1.25% Use Tax Pursuant to P.A. 86-0928 ..... 123,489,700

Payable from R.T.A. Occupation and Use Tax Replacement Fund:
For Allocation to RTA for 10% of the 1.25% Use Tax Pursuant to P.A. 86-0928 ..... 23,193,200

Payable from Senior Citizens' Real Estate Deferred Tax Revolving Fund:
For Payments to Counties as Required by the Senior Citizens Real Estate Tax Deferral Act ..... 5,900,000

Payable from Illinois Tax Increment Fund:
For Distribution to Local Tax Increment Finance Districts ..... 21,076,600

Section 45. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by changing Sections 10, 70, and 80 by adding new Section 105 of Article 56, as follows:

(P.A. 94-798, Art. 56, Sec. 10)

Sec. 10. The sum of $63,460,000, or so much thereof as may be necessary, is appropriated from the

Department of Corrections Reimbursement and Education Fund to meet the ordinary and contingent expenses of the Department of Corrections described below and having the estimated cost as follows:

For payment of expenses associated with School District Programs ..... 15,000,000

For payment of expenses associated with federal programs, including, but not limited to, construction of additional beds, treatment programs, and juvenile supervision ..... 28,960,000

For payment of expenses associated with miscellaneous programs, including, but not limited to, medical costs, food expenditures, and various construction costs ..... 19,500,000

Total ..... $63,460,000

Payable From the General Revenue Fund:

For Sheriffs' Fees for Conveying Prisoners ..... 374,900

For the State's share of Assistant State's Attorneys' salaries - reimbursement to counties pursuant to Chapter 53 of the Illinois Revised Statutes ..... 418,200

For Repairs, Maintenance and Other Capital Improvements ..... 1,087,300 ~~1,323,300~~

Total ..... $1,880,400 ~~$2,116,400~~

(P.A. 94-798, Art. 56, Sec. 70)

Sec. 70. The amount of $6,250,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for a grant to Operation Ceasefire to be used in the following locations.

The City of Chicago:

The neighborhood of Auburn/Gresham ..... 250,000

The neighborhood of Logan Square ..... 250,000

The neighborhood of East Garfield ..... 250,000

The neighborhood of Grand Boulevard ..... 250,000

The neighborhood of Rogers Park ..... 250,000

The neighborhood of Roseland ..... 250,000

The neighborhood of Humboldt Park ..... 250,000

The neighborhood of Pilsen and Little Village ..... 250,000

The neighborhood of Lawndale and Garfield ..... 250,000

The neighborhood of Woodlawn ..... 250,000

The neighborhood of Englewood ..... 250,000

The neighborhood of Westlawn ..... 250,000

The neighborhood of Chicago Lawn ..... 250,000

The neighborhood of Brighton Park ..... 250,000

The neighborhood of Albany Park ..... 250,000

~~The neighborhood of Foss Park ..... 250,000~~

The neighborhood of Austin ..... 250,000

Total ..... $4,000,000

The township of Waukegan ..... 250,000

The City of Decatur ..... 250,000

The City of North Chicago ~~Zion~~ ..... 250,000

The City of Aurora ..... 250,000

The Cities of Cicero and Berwyn ..... 250,000

The City of Rockford ..... 250,000

The City of Bellwood ..... 250,000

The City of Maywood ..... 250,000

The City of East St. Louis ..... 250,000

Total..... $2,250,000

(P.A. 94-798, Art. 56, Sec. 80)

Sec. 80. ... The amount of $1,500,000, or so much thereof as may be necessary, is appropriated to the Department of Corrections from the General Revenue Fund for expenses associated with the operation of the Franklin County Juvenile Detention Center, including a juvenile methamphetamine pilot program ~~a juvenile methamphetamine pilot program at the Franklin County Juvenile Detention Center~~.

(P.A. 94-798, Art. 56, Sec. 105 new)

Sec. 105. The amount of $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Corrections for a grant to the Cook County Sheriff's Office for programs administered through the Department of Women's Justice Services, including but not limited to, mental health and drug rehabilitation issues.

Section 50. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by changing Section 30 of and adding new Section 45 to Article 57, as follows:

(P.A. 94-798, Art. 57, Sec. 30)

Sec. 30. The sum of $9,500,000, or so much thereof as may be necessary, is appropriated from the Department of Corrections Reimbursement and Education Fund to meet the ordinary and contingent expenses of the Department of Juvenile Justice described below and having the estimated cost as follows:

For payment of expenses associated with School District Programs ..... 5,000,000

For payment of expenses associated with federal programs, including, but not limited to, construction of additional beds, treatment programs, and juvenile supervision ..... 2,000,000

For payment of expenses associated with miscellaneous programs, including, but not limited to, medical costs, food expenditures, and various construction costs..... 2,500,000

Total..... $9,500,000

Payable from the General Revenue Fund:

For Repairs, Maintenance and Other Capital Improvements ..... 236,000

(P.A. 94-798, Art. 57, Sec. 45, new)

Sec. 45. The amounts appropriated for repairs and maintenance, and other capital improvements in Section 30 for repairs and maintenance, roof repairs and/or replacements, and miscellaneous capital improvements at the Department's various institutions are to include construction, reconstruction, improvements, repairs and installation of capital facilities, costs of planning, supplies, materials and all other expenses required for roof and other types of repairs and maintenance, capital improvements, and purchase of land.

No contract shall be entered into or obligation incurred for repairs and maintenance and other capital improvements from appropriations made in Section 30 of this Article until after the purposes and amounts have been approved in writing by the Governor.

Section 55. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by changing Section 5 of Article 59, as follows:

(P.A. 94-798, Art. 59, Sec. 5)

Sec. 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Military Affairs:

FOR OPERATIONS

OFFICE OF THE ADJUTANT GENERAL

Payable from General Revenue Fund:

For Personal Services ..... 807,000

For State Contributions to State Employees' Retirement System..... 93,200

For State Contributions to

Social Security ..... 61,900
For Contractual Services ..... 14,400
For Travel ..... 23,000
For Commodities ..... 19,800
For Printing ..... 2,800
For Equipment ..... 4,900
For Electronic Data Processing ..... 13,500
For Telecommunications Services ..... 37,400
For Operation of Auto Equipment ..... 23,800
For State Officer's Candidate School ..... 700
For Lincoln's Challenge ..... 3,116,700
For Lincoln's Challenge Allowances ..... 506,900
Total ..... $4,726,000

Payable from Federal Support Agreement Revolving Fund:
Lincoln's Challenge ..... 4,889,700
Lincoln's Challenge Allowances ..... 1,200,000
Total ..... $6,089,700

FACILITIES OPERATIONS

Payable from General Revenue Fund:
For Personal Services ..... 5,146,000
For State Contributions to State Employees' Retirement System ..... 593,100
For State Contributions to Social Security ..... 393,800
For Contractual Services ..... 3,192,400 ~~1,992,400~~
For Commodities ..... 102,700 ~~57,700~~
For Equipment ..... 24,800
Total ..... $9,452,800 ~~$8,207,800~~

Payable from Federal Support Agreement Revolving Fund:
Army/Air Reimbursable Positions ..... 8,836,300
Total ..... $8,836,300

Section 57. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by adding changing Section 5 of Article 60, as follows:

(P.A. 94-798, Art. 60, Sec. 5)

Sec 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF ADMINISTRATION

Payable from General Revenue Fund:
For Personal Services ..... 5,137,700
For State Contributions to State Employees' Retirement System ..... 592,200
For State Contributions to Social Security ..... 323,500
For Contractual Services ..... 3,352,400
For Travel ..... 23,600
For Commodities ..... 532,100
For Printing ..... 90,000
For Equipment ..... 34,700
For Telecommunications Services ..... 112,400
For Operation of Auto Equipment ..... 300,000
For Contractual Services:
For Payment of Tort Claims ..... 28,000
For Refunds ..... 2,000
For Expenses regarding implementation of the Juvenile Justice Reform provisions ..... 174,700
For costs and expenses related to

or in support of a public safety shared services center ..... 2,140,200

For grants to State's Attorneys for expenses incurred in the videotaping of interrogations pursuant to Public Act 93-517 ..... 3,100,000

For Repairs and Maintenance and Permanent Improvements ..... 30,000

Total ..... $12,873,500

Payable from the State Police Wireless Service Emergency Fund:

For costs associated with the administration and fulfillment of its responsibilities under the Wireless Emergency Telephone Safety Act ..... 1,800,000

Payable from the State Police Vehicle Fund:

For purchase of vehicles and accessories ..... 8,400,000

Payable from the State Police Vehicle Maintenance Fund:

For Operation of Auto ..... 2,000,000

(Source: P.A. 94-798, eff. 7-1-06.)

Section 60. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by changing Section 280 of Article 61, as follows:

(P.A. 94-798, Art. 61, Sec. 280)

Sec. 280. The sum of $1,900,000 ~~$1,650,000~~, or so much thereof as may be necessary, is appropriated from the I-FLY Fund to the Department of Transportation for grants to the Quincy Regional Airport, the Decatur Airport, and the Williamson County Regional Airport, pursuant to the I-FLY Act.

Section 65. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by changing Section 30 of Article 82 and adding new Section 90, as follows:

(P.A. 94-798, Art. 82, Sec. 30)

Sec. 30. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Healthcare and Family Services for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE, THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT, AND THE COVERING ALL KIDS HEALTH INSURANCE ACT

Payable from Care Provider Fund for Persons With A Developmental Disability:

For Administrative Expenditures ..... 94,200

Payable from Long Term Care Provider Fund:

For Skilled, Intermediate, and Other Related Long Term Care Services ..... 795,328,300

For Administrative Expenditures ..... 2,033,000

Total ..... $797,361,300

Payable from Hospital Provider Fund:

For Hospitals ..... 2,430,400,000 ~~1,215,200,000~~

For Medical Assistance Providers ..... 0

Total ..... $2,430,400,000 ~~$1,215,200,000~~

(P.A. 94-798, Art. 82, Sec. 90 new)

Section 90. The sum of $765,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Healthcare and Family Services for costs associated with a 3% cost of doing business adjustment for at least the following line items in the fiscal year 2007 State budget effective January 1, 2007:

Medicaid therapies for 0-3 year olds.

Section 67. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is

amended by changing Sections 101 and adding new Section 315 of Article 83 as follows:

(P.A. 94-798, Art. 83, Sec. 101)

Section 101. ~~The sum of $32,800,000, or so much thereof as may be necessary, is appropriated from the Health and Human Services Medicaid Trust Fund to the Department of Human Services for grants and administrative expenses for services for persons with a mental illness or developmental disability.~~

~~Prior to January 1, 2007, no contract shall be entered into or obligations incurred for any expenditure from appropriation made in this Section of the Article.~~ The sum of $15,000,000, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, are appropriated to the Department of Human Services for the following purposes:

Payable from the Health and Human Services Medicaid Trust Fund:

For the Home Based Support Services Program for services to additional children ..... 1,500,000

For the Home Based Support Services Program for services to additional adults ..... 4,500,000

For additional Community Integrated Living Arrangement Placements for persons with developmental disabilities ..... 3,000,000

For Community Based Mobile Crisis Teams for persons with developmental disabilities ..... 1,000,000

For diversion, transition, and aftercare from institutional settings for persons with a mental illness ..... 3,500,000

For the Children's Mental Health Partnership ..... 1,500,000

(P.A. 94-798, Article 83, Sec. 315 new)

Section 315. The sum of $3,377,800, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for costs associated with a 3% cost of doing business adjustment for at least the following line items in the fiscal year 2007 State budget effective January 1, 2007:

Early intervention therapy services and service coordination;

Family case management;

Domestic violence;

Rape victims/prevention;

Intensive Prenatal Performance Project;

School-based health centers;

Lekotek; and

Centers for Independent Living.

Section 70**.** "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by changing Section 95 and adding new Section 120 to Article 84, as follows:

(P.A. 94-798, Art. 84, Sec. 95)

Sec. 95. The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Health for the objects and purposes hereinafter named:

OFFICE OF POLICY, PLANNING AND STATISTICS

Payable from the General Revenue Fund:

For Personal Services ..... 1,752,400

For State Contributions to State Employees' Retirement System ..... 202,000

For State Contributions to Social Security ..... 131,500

For Contractual Services ..... 25,400
For Travel ..... 32,600
For Commodities ..... 2,600
For Printing ..... 300
For Equipment ..... 4,800
For Telecommunications Services ..... 29,600
For Expenses to establish program to provide scholarships to Allied Health Professionals ..... 91,100
For operating expenses of the Center for Rural Health ..... 441,700
For grants to public and private agencies for Residency Programs pursuant to the Family Practice Residency Act ..... 776,000
For matching grants to Community Based Organizations for Comprehensive Primary Care ..... 392,600
For grants to assist Community and Migrant Health Centers to expand service capacity and develop additional sites ..... 392,600
For hospital grants to diversify services and convert to facilities that are less dependent on Acute Care Bed capacity ..... 392,600
For expenses of the Adverse Pregnancy Outcomes Reporting Systems (APORS) Program ..... 348,600
For expenses of State Cancer Registry, Including matching funds for National Cancer Institute grants ..... 163,200
For grants for the Community Health Center Expansion Program ..... 2,991,000
For expenses related to Public Act 94-0242 and the establishment of an adverse health care event reporting system ..... 952,350
For grants to units of local government, not-for-profit organizations, community organizations and educational facilities for all costs associated with operations expenses, infrastructure improvements, and for all costs associated with educational and training programs, programs to improve health access and disease prevention, and provision of health care and dental services ..... 1,500,000
For grants to units of local government, not-for-profit organizations, community organizations and educational facilities for all costs associated with operations expenses, infrastructure improvements, and for all costs associated with educational and training programs, programs to improve health access, and provision of health care and dental services ..... 1,500,000
For deposit into the Heartsaver AED Fund ..... 100,000
Total ..... $12,222,950

Payable from Rural/Downstate Health Access Fund:
For expenses associated with the Rural/ Downstate Health Access Program ..... 100,000
Payable from the Public Health Services Fund;
For expenses related to Epidemiological Health Outcomes Investigations and Database Development ..... 4,130,000
For expenses for Rural Health Center to expand the availability of Primary Health Care ..... 2,000,000
For operational expenses to develop a Health Care Provider Recruitment and Retention Program ..... 300,000
For grants to develop a Health Care Provider Recruitment and Retention Program ..... 450,000
For grants to develop a Health Professional Educational Loan Repayment Program ..... 900,000
Total ..... $7,880,000
Payable from Community Health Center Care Fund:
For expenses for access to Primary Health Care Services Program per Family Practice Residency Act ..... 1,000,000
Payable from Illinois Health Facilities Planning Fund:
For expenses, including refunds, for Health Facilities Planning Board ..... 1,734,500
Payable from Nursing Dedicated and Professional Fund:
For expenses of the Nursing Education Scholarship Law ..... 1,200,000
Payable from the Regulatory Evaluation and Basic Enforcement Fund:
For Expenses of the Alternative Health Care Delivery Systems Program ..... 75,000
Payable from the Tobacco Settlement Recovery Fund:
For grants for the Community Health Center Expansion Program ..... 3,000,000
For grants to units of local government, not-for-profit organizations, community organizations and educational facilities for all costs associated with operations expenses, infrastructure improvements, and for all costs associated with educational and training programs, programs to improve health access and disease prevention, and provision of health care and dental services ..... 1,500,000
For grants to units of local government, not-for-profit organizations, community organizations and educational facilities for all costs associated with operations expenses, infrastructure improvements, and for all costs associated with educational and training programs, programs to improve health access, and provision of health care and dental services ..... 1,500,000
Total ..... $6,000,000
Payable from the Preventive Health and Health

Services Block Grant Fund:
For expenses of Preventive Health and Health Services Needs Assessment ..... 1,406,700
Payable from Public Health Special State Projects Fund:
For expenses associated with Health Outcomes Investigations and other public health programs ..... 500,000
Payable from Illinois State Podiatric Disciplinary Fund:
For expenses of the Podiatric Scholarship And Residency Act ..... 100,000
Payable from the Public Health Federal Projects Fund:
For expenses of Health Outcomes, Research, Policy and Surveillance ..... 612,000
Payable from the Heartsaver AED Fund:
For expenses associated with the Heartsaver AED Program ..... 125,000 ~~100,000~~

(P.A. 94-798, Art. 84, Sec. 120, new)

Section 120. The sum of $200,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Public Health for a grant to HRDI for the purposes of AIDS Prevention.

Section 75. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by changing Section 15 of and adding new Section 17 to Article 89, as follows:

(P.A. 94-798, Art. 89, Sec. 15)

Sec. 15. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

DIVISION OF CHARGE PROCESSING

Payable from General Revenue Fund:
For Personal Services ..... 4,313,800 ~~4,113,800~~
For Employee Retirement Contributions Paid by Employer ..... 0
For State Contributions to State Employees' Retirement System ..... 497,600 ~~474,100~~
For State Contributions to Social Security ..... 330,200 ~~314,700~~
For Contractual Services ..... 39,400
For Travel ..... 29,300
For Commodities ..... 13,000
For Printing ..... 1,300
For Equipment ..... 20,000
For Telecommunications Services ..... 50,000
Total ..... $5,294,600 ~~$5,055,600~~
Payable from Special Projects Division Fund:
For Personal Services ..... 1,585,600
For Employee Retirement Contributions Paid by Employer ..... 0
For State Contributions to State Employees' Retirement System ..... 182,700
For State Contributions to Social Security ..... 121,300
For Group Insurance ..... 464,000
For Contractual Services ..... 183,000
For Travel ..... 37,000
For Commodities ..... 6,800
For Printing ..... 9,300
For Equipment ..... 9,600
For Telecommunications Services ..... 7,000

Total.....$2,606,300

(P.A. 94-798, Art. 89, Sec. 17, new)

Section 17. The amount of $700,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Rights for expenses relating to the investigation and processing of human rights cases.

Section 80. "AN ACT making appropriations," Public Act 94-798, approved May 22, 2006, is amended by adding new Section 71 to Article 101, as follows:

(P.A. 94-798, Art. 101, Sec. 71, new)

Section 71. The sum of $500,000, or so much thereof as may be necessary, is appropriated from the Road Fund to the Department of Transportation for engineering and construction costs of the extension of Oak Street between Hazelwood and Gerty Drives on the University of Illinois at Urbana-Champaign campus in Champaign County.

Section 99. This Act take effect immediately upon becoming law.".

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

## HOUSE BILLS ON SECOND READING

HOUSE BILL 232. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Elementary & Secondary Education, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 232 on page 1, line 5, after "34-18.34", by inserting "and by changing Section 27A-5"; and

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

"(105 ILCS 5/27A-5)

Sec. 27A-5. Charter school; legal entity; requirements.

(a) A charter school shall be a public, nonsectarian, nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning on the effective date of this amendatory Act of the 93rd General Assembly, in all new applications submitted to the State Board or a local school board to establish a charter school in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this Section by this amendatory Act of the 93rd General Assembly do not apply to charter schools existing or approved on or before the effective date of this amendatory Act.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act.

(d) A charter school shall comply with all applicable health and safety requirements applicable to public schools under the laws of the State of Illinois.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the management and operation of its fiscal affairs including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school.

(g) A charter school shall comply with all provisions of this Article and its charter. A charter school is exempt from all other State laws and regulations in the School Code governing public schools and local school board policies, except the following:

(1) Sections 10-21.9 and 34-18.5 of the School Code regarding criminal history records checks and checks of the Statewide Sex Offender Database of applicants for employment;

(2) Sections 24-24 and 34-84A of the School Code regarding discipline of students;

(3) The Local Governmental and Governmental Employees Tort Immunity Act;

(4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;

(5) The Abused and Neglected Child Reporting Act;

(6) The Illinois School Student Records Act; and

(7) Section 10-17a of the School Code regarding school report cards.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after the effective date of this amendatory Act of the 93rd General Assembly and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school during the period that commences on the effective date of this amendatory Act of the 93rd General Assembly and concludes at the end of the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age or grade level.

(k) A charter school may not establish, maintain, or in any way support any virtual schools or virtual classes for elementary or secondary students in this State, unless there are extenuating circumstances, such as for students with autism.

(Source: P.A. 93-3, eff. 4-16-03; 93-909, eff. 8-12-04; 94-219, eff. 7-14-05.)".

AMENDMENT NO. 2. Amend House Bill 232 as follows:

on page 1, line 7, by deleting "and classes"; and

on page 1, lines 8 and 9, by deleting ", maintain, or in any way support"; and

on page 1, line 9, by deleting "or virtual classes"; and

on page 1, line 10, after "State", by inserting "on or after the effective date of this amendatory Act of the 95th General Assembly"; and

on page 1, line 12, by deleting "and classes"; and

on page 1, line 13, by deleting ", maintain, or in any way support"; and

on page 1, line 14, by deleting "or virtual classes"; and

on page 1, line 15, after "State", by inserting "on or after the effective date of this amendatory Act of the 95th General Assembly"; and

on page 1, line 17, by deleting "and classes"; and

on page 1, line 18, by deleting ", maintain, or in any way support"; and

on page 1, line 19, by deleting "or virtual classes"; and

on page 1, line 20, after "State", by inserting "on or after the effective date of this amendatory Act of the 95th General Assembly".

AMENDMENT NO. 3. Amend House Bill 232 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Sections 2-3.142, 10-20.40, and 34-18.34 and by changing Section 27A-5 as follows:

(105 ILCS 5/2-3.142 new)

Sec. 2-3.142. Virtual schools prohibited; Virtual Education Advisory Committee.

(a) The State Board of Education may not establish any virtual schools for elementary or secondary students in this State on or after the effective date of this amendatory Act of the 95th General Assembly.

(b) There is created the Virtual Education Advisory Committee to monitor curriculum and assess test

results with respect to virtual schools during the 2008-2009 and 2009-1010 school years. The Committee shall consist of all of the following members, to be appointed by the Governor:

(1) Two members from the higher education community.

(2) Two members from a professional teachers' organization.

(3) Two members for the State Board of Education.

(4) One member from the higher education community who specializes in technology.

(5) One member from the Illinois Virtual High School program.

The Committee shall meet at the call of the Governor at least twice a year. The Committee shall report its findings to the Governor and the State Board of Education on or before December 31, 2010. Upon filing its report, the Committee is dissolved.

(105 ILCS 5/10-20.40 new)

Sec. 10-20.40. Virtual schools prohibited. A school board may not establish any virtual schools for elementary or secondary students in this State on or after the effective date of this amendatory Act of the 95th General Assembly.

(105 ILCS 5/27A-5)

Sec. 27A-5. Charter school; legal entity; requirements.

(a) A charter school shall be a public, nonsectarian, nonreligious, non-home based, and non-profit school. A charter school shall be organized and operated as a nonprofit corporation or other discrete, legal, nonprofit entity authorized under the laws of the State of Illinois.

(b) A charter school may be established under this Article by creating a new school or by converting an existing public school or attendance center to charter school status. Beginning on the effective date of this amendatory Act of the 93rd General Assembly, in all new applications submitted to the State Board or a local school board to establish a charter school in a city having a population exceeding 500,000, operation of the charter school shall be limited to one campus. The changes made to this Section by this amendatory Act of the 93rd General Assembly do not apply to charter schools existing or approved on or before the effective date of this amendatory Act.

(c) A charter school shall be administered and governed by its board of directors or other governing body in the manner provided in its charter. The governing body of a charter school shall be subject to the Freedom of Information Act and the Open Meetings Act.

(d) A charter school shall comply with all applicable health and safety requirements applicable to public schools under the laws of the State of Illinois.

(e) Except as otherwise provided in the School Code, a charter school shall not charge tuition; provided that a charter school may charge reasonable fees for textbooks, instructional materials, and student activities.

(f) A charter school shall be responsible for the management and operation of its fiscal affairs including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school.

(g) A charter school shall comply with all provisions of this Article and its charter. A charter school is exempt from all other State laws and regulations in the School Code governing public schools and local school board policies, except the following:

(1) Sections 10-21.9 and 34-18.5 of the School Code regarding criminal history records checks and checks of the Statewide Sex Offender Database of applicants for employment;

(2) Sections 24-24 and 34-84A of the School Code regarding discipline of students;

(3) The Local Governmental and Governmental Employees Tort Immunity Act;

(4) Section 108.75 of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents;

(5) The Abused and Neglected Child Reporting Act;

(6) The Illinois School Student Records Act; and

(7) Section 10-17a of the School Code regarding school report cards.

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a school building and grounds or any other real property or facilities that the charter school desires to use or convert for use as a charter school site, (ii) the operation and maintenance thereof, and (iii) the provision of any service, activity, or undertaking that the charter school is required to perform in order to carry out the terms of its charter. However, a charter school that is established on or after the effective date of this amendatory Act of the 93rd General Assembly and that operates in a city having a population exceeding 500,000 may not contract with a for-profit entity to manage or operate the school

during the period that commences on the effective date of this amendatory Act of the 93rd General Assembly and concludes at the end of the 2004-2005 school year. Except as provided in subsection (i) of this Section, a school district may charge a charter school reasonable rent for the use of the district's buildings, grounds, and facilities. Any services for which a charter school contracts with a school district shall be provided by the district at cost. Any services for which a charter school contracts with a local school board or with the governing body of a State college or university or public community college shall be provided by the public entity at cost.

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

(j) A charter school may limit student enrollment by age or grade level.

(k) A charter school may not establish any virtual schools for elementary or secondary students in this State on or after the effective date of this amendatory Act of the 95th General Assembly, unless there are extenuating circumstances, such as for students with autism.

(Source: P.A. 93-3, eff. 4-16-03; 93-909, eff. 8-12-04; 94-219, eff. 7-14-05.)

(105 ILCS 5/34-18.34 new)

Sec. 34-18.34. Virtual schools prohibited. The board may not establish any virtual schools for elementary or secondary students in this State on or after the effective date of this amendatory Act of the 95th General Assembly.".

Representative Monique Davis offered and withdrew Amendments numbered 4 and 5.

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

AMENDMENT NO. 6. Amend House Bill 232, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 2-3.142 as follows:

(105 ILCS 5/2-3.142 new)

Sec. 2-3.142. Task Force on Virtual Education. There is created the Task Force on Virtual Education to consider and recommend best practices in virtual education. The Task Force shall consist of the following members:

(1) Two members of the higher education community, one appointed by the Speaker of the House and one appointed by the Minority Leader of the Senate.

(2) Two members of professional teachers' unions, one appointed by the President of the Senate and one appointed by the Minority Leader of the House.

(3) Two representatives of the State Board of Education, appointed by the State Superintendent of Education.

(4) One member appointed by the Illinois Association of School Administrators.

(5) One member appointed by the Illinois Association of School Boards.

(6) One representative of the business community appointed by a statewide organization representing businesses.

(7) One member of the Chicago Board of Education (or his or her designee) appointed by the President of the Chicago Board of Education.

(8) One representative of a statewide virtual school appointed by the State Superintendent of Education.

(9) The following members to be appointed by the Governor:

(A) One member with training or expertise in information and communications technologies.

(B) One member who is a current teacher or administrator employed by a virtual school in a city having a population exceeding 500,000.

(C) One member with training or expertise in early childhood development.

(D) One member who is a parent of a child currently enrolled in a virtual school in a city having a population exceeding 500,000.

(E) One member who is a teacher or a parent of a child currently enrolled in a statewide virtual school program.

The Task Force shall be facilitated by the State Board of Education.

The Task Force shall report its findings and recommendations to the General Assembly, the Governor, and the State Board of Education on or before 2 years after the effective date of this amendatory Act of the 95th General Assembly. Upon filing its report, the Task Force is dissolved.".

The foregoing motions prevailed and Amendments numbered 1, 2, 3 and 6 were adopted.

There being no further amendments, the foregoing Amendments numbered 1, 2, 3 and 6 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 2044.

HOUSE BILL 3602. Having been read by title a second time on April 19, 2007, and held on the order of Second Reading, the same was again taken up.

Representative Ford offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 3602, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 25, line 17, by replacing "5" with "7 ~~5~~"; and
on page 28, by replacing lines 14 through 16 with the following:

(a) There shall be 7 members elected to serve on the Commission beginning with the general election in 2008. Three members shall be elected from the First Judicial District of Illinois and one member shall be elected from each of the remaining judicial districts.".

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

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

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 1398.

HOUSE BILL 1263. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 1263 as follows:
on page 2, line 15, by changing "Section 507OO" to "Sections 507OO and 509.1"; and
on page 4, immediately below line 24, by inserting the following:

"(35 ILCS 5/509.1 new)

Sec. 509.1. Removal of excess tax-checkoff funds. Notwithstanding any provisions of this Act to the contrary, beginning on the effective date of this amendatory Act of the 95th General Assembly, there may not be more than 15 tax-checkoff funds contained on the individual tax return form at any one time. Each year, the Department shall determine whether the sum of (i) the number of new tax-checkoff funds created by the General Assembly during that year plus (ii) the number of tax-checkoff funds that collected at least $100,000 during the previous year exceeds 15. If so, then the Department shall remove a number of tax checkoff funds that were on the return during the previous year that is equal to the sum of items (i) and (ii) minus 15, starting with the tax checkoff-fund that received the least amount of contributions and working upward until a sufficient number of funds have been removed.".

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.

## ACTION ON MOTIONS

Pursuant to the motion submitted previously, Representative Black moved to discharge the Committee on Rules from further consideration of HOUSE RESOLUTION 344.

Representative Currie objected to the motion.

The motion failed.

Representative Black moved to overrule the Chair.

The question is shall the Chair be sustained.

Representative Black withdrew his motion to sustain the Chair.

## HOUSE BILLS ON SECOND READING

HOUSE BILL 2307. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 2307 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal

of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard

or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protectio n Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys,

curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any

manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village, incorporated town, or a township that is located in the unincorporated portion of a county with 3 million or more inhabitants, if the county adopted an ordinance that approved the township's redevelopment plan.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal

Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility

Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

(F) the most recent equalized assessed valuation of the redevelopment project area;

(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates: shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981; shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area if the ordinance was adopted on May 20, 1985 by the Village of Wheeling; and shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or

(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or

(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or

(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or

(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or

(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or

(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or

(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or

(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or

(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or

(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or

(L) if the ordinance was adopted in September 1988 by Sauk Village, or

(M) if the ordinance was adopted in October 1993 by Sauk Village, or

(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or

(O) if the ordinance was adopted in March 1991 by the City of Centreville, or

(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or

(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or

(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or

(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or

(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or

(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or

(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or

(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or

(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or

(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or

(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or

(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or

(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or

(CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or

(DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or

(EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or

(FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or

(GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or

(HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or

(II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or

(JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or

(KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or

(LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or

(MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or

(NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or

(OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or

(PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or

(QQ) if the ordinance was adopted on December 31, 1986 by the City of Oglesby, or

(RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or

(SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or

(TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or

(UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or

(VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or ~~.~~

(WW) ~~(VV)~~ if the ordinance was adopted on July 1, 1986 by the City of Granite City , or ~~.~~

(XX) ~~(RR)~~ if the ordinance was adopted on February 2, 1989 by the Village of Lombard , or

(YY) ~~(VV)~~ if the ordinance was adopted on December 29, 1986 by the Village of Gardner , or

(ZZ) ~~(VV)~~ if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw , or ~~.~~

(AAA) ~~(VV)~~ if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park , or ~~.~~

(BBB) ~~(VV)~~ if the ordinance was adopted on November 20, 1989 by the Village of South Holland , or ~~.~~

(CCC) if the ordinance was adopted on July 14, 1992 by the Village of Riverdale.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the

ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and

that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently

available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(7.7) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after January 1, 2005 (the effective date of Public Act 93-961), a public library district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act shall be paid to the library district by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units. This paragraph (7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted

housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be

an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the

Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05;

94-268, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07; 94-1092, eff. 1-26-07; revised 1-30-07.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full

faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area if the ordinance was adopted on May 20, 1985 by the Village of Wheeling, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or

(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or (DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or (EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or (FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or (GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or (HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or (II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or (JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or (KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or (LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or (MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or (NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or (OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or (PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or (QQ) if the ordinance was adopted on December 31, 1986 by the City of Oglesby, or (RR) if the ordinance was adopted on July 28, 1987 by the City of Marion, or (SS) if the ordinance was adopted on April 23, 1990 by the City of Marion, or (TT) if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or (UU) if the ordinance was adopted on February 2, 1998 by the Village of Woodhull, or (VV) if the ordinance was adopted on April 20, 1993 by the Village of Princeville, or (WW) ~~(VV)~~ if the ordinance was adopted on July 1, 1986 by the City of Granite City, or (XX) ~~(RR)~~ if the ordinance was adopted on February 2, 1989 by the Village of Lombard, or (YY) ~~(VV)~~ if the ordinance was adopted on December 29, 1986 by the Village of Gardner, or (ZZ) ~~(VV)~~ if the ordinance was adopted on July 14, 1999 by the Village of Paw Paw, or (AAA) ~~(VV)~~ if the ordinance was adopted on November 17, 1986 by the Village of Franklin Park,~~,~~ or (BBB) ~~(VV)~~ if the ordinance was adopted on November 20, 1989 by the Village of South Holland , or (CCC) if the ordinance was adopted on July 14, 1992 by the Village of Riverdale and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff. 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; 94-1091, eff. 1-26-07; 94-1092, eff. 1-26-07; revised 1-30-07.)

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

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

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

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 1724.

HOUSE BILL 3508. Having been reproduced, was taken up and read by title a second time.

Representative Joyce offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 3508 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Act on the Aging is amended by changing Sections 4.03 and 4.04 as follows:

(20 ILCS 105/4.03) (from Ch. 23, par. 6104.03)

Sec. 4.03. The Department on Aging, in cooperation with the Department of Human Services and any other appropriate State, local or federal agency, shall, without regard to income guidelines, establish a nursing home prescreening program to determine whether Alzheimer's Disease and related disorders victims, and persons who are deemed as blind or disabled as defined by the Social Security Act and who are in need of long term care, may be satisfactorily cared for in their homes through the use of home and community based services. Case coordination units under contract with the Department may charge a fee for the prescreening provided under this Section and the fee shall be no greater than the cost of such services to the case coordination unit. At the time of each prescreening, case coordination units shall provide information regarding the Office of State Long Term Care Ombudsman's Residents Right to Know database as authorized in subsection (c-5) of Section 4.04.

(Source: P.A. 89-21, eff. 7-1-95; 89-507, eff. 7-1-97.)

(20 ILCS 105/4.04) (from Ch. 23, par. 6104.04)

Sec. 4.04. Long Term Care Ombudsman Program.

(a) Long Term Care Ombudsman Program. The Department shall establish a Long Term Care Ombudsman Program, through the Office of State Long Term Care Ombudsman ("the Office"), in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended.

(b) Definitions. As used in this Section, unless the context requires otherwise:

(1) "Access" has the same meaning as in Section 1-104 of the Nursing Home Care Act, as now or hereafter amended; that is, it means the right to:

(i) Enter any long term care facility or assisted living or shared housing establishment or supportive living facility;

(ii) Communicate privately and without restriction with any resident who consents to the communication;

(iii) Seek consent to communicate privately and without restriction with any resident;

(iv) Inspect the clinical and other records of a resident with the express written consent of the resident;

(v) Observe all areas of the long term care facility or supportive living facilities, assisted living or shared housing establishment except the living area of any resident who protests the observation.

(2) "Long Term Care Facility" means (i) any facility as defined by Section 1-113 of the Nursing Home Care Act, as now or hereafter amended; and (ii) any skilled nursing facility or a nursing facility which meets the requirements of Section 1819(a), (b), (c), and (d) or Section 1919(a), (b), (c), and (d) of the Social Security Act, as now or hereafter amended (42 U.S.C. 1395i-3(a), (b), (c), and (d) and 42 U.S.C. 1396r(a), (b), (c), and (d)).

(2.5) "Assisted living establishment" and "shared housing establishment" have the meanings given those terms in Section 10 of the Assisted Living and Shared Housing Act.

(2.7) "Supportive living facility" means a facility established under Section 5-5.01a of the Illinois Public Aid Code.

(3) "State Long Term Care Ombudsman" means any person employed by the Department to fulfill the requirements of the Office of State Long Term Care Ombudsman as required under the Older Americans Act of 1965, as now or hereafter amended, and Departmental policy.

(3.1) "Ombudsman" means any designated representative of a regional long term care ombudsman program; provided that the representative, whether he is paid for or volunteers his ombudsman services, shall be qualified and designated by the Office to perform the duties of an ombudsman as specified by the Department in rules and in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended.

(c) Ombudsman; rules. The Office of State Long Term Care Ombudsman shall be composed of at least one full-time ombudsman and shall include a system of designated regional long term care ombudsman

programs. Each regional program shall be designated by the State Long Term Care Ombudsman as a subdivision of the Office and any representative of a regional program shall be treated as a representative of the Office.

The Department, in consultation with the Office, shall promulgate administrative rules in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended, to establish the responsibilities of the Department and the Office of State Long Term Care Ombudsman and the designated regional Ombudsman programs. The administrative rules shall include the responsibility of the Office and designated regional programs to investigate and resolve complaints made by or on behalf of residents of long term care facilities, supportive living facilities, and assisted living and shared housing establishments relating to actions, inaction, or decisions of providers, or their representatives, of long term care facilities, of supported living facilities, of assisted living and shared housing establishments, of public agencies, or of social services agencies, which may adversely affect the health, safety, welfare, or rights of such residents. When necessary and appropriate, representatives of the Office shall refer complaints to the appropriate regulatory State agency. The Department, in consultation with the Office, shall cooperate with the Department of Human Services in providing information and training to designated regional long term care ombudsman programs about the appropriate assessment and treatment (including information about appropriate supportive services, treatment options, and assessment of rehabilitation potential) of persons with mental illness (other than Alzheimer's disease and related disorders).

The State Long Term Care Ombudsman and all other ombudsmen, as defined in paragraph (3.1) of subsection (b) must submit to background checks under the Health Care Worker Background Check Act and receive training, as prescribed by the Illinois Department on Aging, before visiting facilities. The training must include information specific to assisted living establishments, supportive living facilities, and shared housing establishments and to the rights of residents guaranteed under the corresponding Acts and administrative rules.

(c-5) Consumer Choice Information Reports. The Office shall:

(1) In collaboration with the Attorney General, create a Consumer Choice Information Report form to be completed by all licensed long term care facilities to aid Illinoisans and their families in making informed choices about long term care. The Office shall create a Consumer Choice Information Report for each type of licensed long term care facility.

(2) Develop a database of Consumer Choice Information Reports completed by licensed long term care facilities that includes information in the following consumer categories:

(A) Medical Care, Services, and Treatment.

(B) Special Services and Amenities.

(C) Staffing.

(D) Facility Statistics and Resident Demographics.

(E) Ownership and Administration.

(F) Safety and Security.

(G) Meals and Nutrition.

(H) Rooms, Furnishings, and Equipment.

(I) Family, Volunteer, and Visitation Provisions.

(3) Make this information accessible to the public, including on the Internet by means of a hyperlink labeled "Resident's Right to Know" on the Office's World Wide Web home page.

(4) Have the authority, with the Attorney General, to verify that information provided by a facility is accurate.

(5) Request a new report from any licensed facility whenever it deems necessary.

(d) Access and visitation rights.

(1) In accordance with subparagraphs (A) and (E) of paragraph (3) of subsection (c) of Section 1819 and subparagraphs (A) and (E) of paragraph (3) of subsection (c) of Section 1919 of the Social Security Act, as now or hereafter amended (42 U.S.C. 1395i-3 (c)(3)(A) and (E) and 42 U.S.C. 1396r (c)(3)(A) and (E)), and Section 712 of the Older Americans Act of 1965, as now or hereafter amended (42 U.S.C. 3058f), a long term care facility, supportive living facility, assisted living establishment, and shared housing establishment must:

(i) permit immediate access to any resident by a designated ombudsman; and

(ii) permit representatives of the Office, with the permission of the resident's legal representative or legal guardian, to examine a resident's clinical and other records, and if a resident is unable to consent to such review, and has no legal guardian, permit representatives of the Office appropriate access, as defined by the Department, in consultation with the Office, in

administrative rules, to the resident's records.

(2) Each long term care facility, supportive living facility, assisted living establishment, and shared housing establishment shall display, in multiple, conspicuous public places within the facility accessible to both visitors and residents and in an easily readable format, the address and phone number of the Office of the Long Term Care Ombudsman, in a manner prescribed by the Office.

(e) Immunity. An ombudsman or any representative of the Office participating in the good faith performance of his or her official duties shall have immunity from any liability (civil, criminal or otherwise) in any proceedings (civil, criminal or otherwise) brought as a consequence of the performance of his official duties.

(f) Business offenses.

(1) No person shall:

(i) Intentionally prevent, interfere with, or attempt to impede in any way any representative of the Office in the performance of his official duties under this Act and the Older Americans Act of 1965; or

(ii) Intentionally retaliate, discriminate against, or effect reprisals against any long term care facility resident or employee for contacting or providing information to any representative of the Office.

(2) A violation of this Section is a business offense, punishable by a fine not to exceed $501.

(3) The Director of Aging, in consultation with the Office, shall notify the State's Attorney of the county in which the long term care facility, supportive living facility, or assisted living or shared housing establishment is located, or the Attorney General, of any violations of this Section.

(g) Confidentiality of records and identities. The Department shall establish procedures for the disclosure by the State Ombudsman or the regional ombudsmen entities of files maintained by the program. The procedures shall provide that the files and records may be disclosed only at the discretion of the State Long Term Care Ombudsman or the person designated by the State Ombudsman to disclose the files and records, and the procedures shall prohibit the disclosure of the identity of any complainant, resident, witness, or employee of a long term care provider unless:

(1) the complainant, resident, witness, or employee of a long term care provider or his or her legal representative consents to the disclosure and the consent is in writing;

(2) the complainant, resident, witness, or employee of a long term care provider gives consent orally; and the consent is documented contemporaneously in writing in accordance with such requirements as the Department shall establish; or

(3) the disclosure is required by court order.

(h) Legal representation. The Attorney General shall provide legal representation to any representative of the Office against whom suit or other legal action is brought in connection with the performance of the representative's official duties, in accordance with the State Employee Indemnification Act.

(i) Treatment by prayer and spiritual means. Nothing in this Act shall be construed to authorize or require the medical supervision, regulation or control of remedial care or treatment of any resident in a long term care facility operated exclusively by and for members or adherents of any church or religious denomination the tenets and practices of which include reliance solely upon spiritual means through prayer for healing.

(Source: P.A. 93-241, eff. 7-22-03; 93-878, eff. 1-1-05.)

Section 10. The Nursing Home Care Act is amended by changing Sections 3-210 and 3-212 and by adding Section 2-214 as follows:

(210 ILCS 45/2-214 new)

Sec. 2-214. Consumer Choice Information Reports.

(a) Every facility shall complete a Consumer Choice Information Report and shall file it with the Office of State Long Term Care Ombudsman electronically as prescribed by the Office. The Report shall be filed annually and upon request of the Office of State Long Term Care Ombudsman. The Consumer Choice Information Report must be completed by the facility in full.

(b) A violation of any of the provisions of this Section constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties, and authority granted to the Attorney General by the Consumer Fraud and Deceptive Business Practices Act shall be available to him or her for the enforcement of this Section.

(c) The Department of Public Health shall include verification of the submission of a facility's current

Consumer Choice Information Report when conducting an inspection pursuant to Section 3-212.

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

Sec. 3-210. A facility shall retain the following for public inspection:

(1) A complete copy of every inspection report of the facility received from the Department during the past 5 years;

(2) A copy of every order pertaining to the facility issued by the Department or a court during the past 5 years;

(3) A description of the services provided by the facility and the rates charged for those services and items for which a resident may be separately charged;

(4) A copy of the statement of ownership required by Section 3-207;

(5) A record of personnel employed or retained by the facility who are licensed, certified or registered by the Department of Professional Regulation; and

(6) A complete copy of the most recent inspection report of the facility received from the Department.

(7) A copy of the current Consumer Choice Information Report required by Section 2-214.

(Source: P.A. 85-1209)

(210 ILCS 45/3-212) (from Ch. 111 1/2, par. 4153-212)

Sec. 3-212. Inspection.

(a) The Department, whenever it deems necessary in accordance with subsection (b), shall inspect, survey and evaluate every facility to determine compliance with applicable licensure requirements and standards. Submission of a facility's current Consumer Choice Information Report required by Section 2-214 shall be verified at time of inspection. An inspection should occur within 120 days prior to license renewal. The Department may periodically visit a facility for the purpose of consultation. An inspection, survey, or evaluation, other than an inspection of financial records, shall be conducted without prior notice to the facility. A visit for the sole purpose of consultation may be announced. The Department shall provide training to surveyors about the appropriate assessment, care planning, and care of persons with mental illness (other than Alzheimer's disease or related disorders) to enable its surveyors to determine whether a facility is complying with State and federal requirements about the assessment, care planning, and care of those persons.

(a-1) An employee of a State or unit of local government agency charged with inspecting, surveying, and evaluating facilities who directly or indirectly gives prior notice of an inspection, survey, or evaluation, other than an inspection of financial records, to a facility or to an employee of a facility is guilty of a Class A misdemeanor.

An inspector or an employee of the Department who intentionally prenotifies a facility, orally or in writing, of a pending complaint investigation or inspection shall be guilty of a Class A misdemeanor. Superiors of persons who have prenotified a facility shall be subject to the same penalties, if they have knowingly allowed the prenotification. A person found guilty of prenotifying a facility shall be subject to disciplinary action by his or her employer.

If the Department has a good faith belief, based upon information that comes to its attention, that a violation of this subsection has occurred, it must file a complaint with the Attorney General or the State's Attorney in the county where the violation took place within 30 days after discovery of the information.

(a-2) An employee of a State or unit of local government agency charged with inspecting, surveying, or evaluating facilities who willfully profits from violating the confidentiality of the inspection, survey, or evaluation process shall be guilty of a Class 4 felony and that conduct shall be deemed unprofessional conduct that may subject a person to loss of his or her professional license. An action to prosecute a person for violating this subsection (a-2) may be brought by either the Attorney General or the State's Attorney in the county where the violation took place.

(b) In determining whether to make more than the required number of unannounced inspections, surveys and evaluations of a facility the Department shall consider one or more of the following: previous inspection reports; the facility's history of compliance with standards, rules and regulations promulgated under this Act and correction of violations, penalties or other enforcement actions; the number and severity of complaints received about the facility; any allegations of resident abuse or neglect; weather conditions; health emergencies; other reasonable belief that deficiencies exist.

(b-1) The Department shall not be required to determine whether a facility certified to participate in the Medicare program under Title XVIII of the Social Security Act, or the Medicaid program under Title XIX of the Social Security Act, and which the Department determines by inspection under this Section or under Section 3-702 of this Act to be in compliance with the certification requirements of Title XVIII or XIX, is in compliance with any requirement of this Act that is less stringent than or duplicates a federal

certification requirement. In accordance with subsection (a) of this Section or subsection (d) of Section 3-702, the Department shall determine whether a certified facility is in compliance with requirements of this Act that exceed federal certification requirements. If a certified facility is found to be out of compliance with federal certification requirements, the results of an inspection conducted pursuant to Title XVIII or XIX of the Social Security Act may be used as the basis for enforcement remedies authorized and commenced under this Act. Enforcement of this Act against a certified facility shall be commenced pursuant to the requirements of this Act, unless enforcement remedies sought pursuant to Title XVIII or XIX of the Social Security Act exceed those authorized by this Act. As used in this subsection, "enforcement remedy" means a sanction for violating a federal certification requirement or this Act.

(c) Upon completion of each inspection, survey and evaluation, the appropriate Department personnel who conducted the inspection, survey or evaluation shall submit a copy of their report to the licensee upon exiting the facility, and shall submit the actual report to the appropriate regional office of the Department. Such report and any recommendations for action by the Department under this Act shall be transmitted to the appropriate offices of the associate director of the Department, together with related comments or documentation provided by the licensee which may refute findings in the report, which explain extenuating circumstances that the facility could not reasonably have prevented, or which indicate methods and timetables for correction of deficiencies described in the report. Without affecting the application of subsection (a) of Section 3-303, any documentation or comments of the licensee shall be provided within 10 days of receipt of the copy of the report. Such report shall recommend to the Director appropriate action under this Act with respect to findings against a facility. The Director shall then determine whether the report's findings constitute a violation or violations of which the facility must be given notice. Such determination shall be based upon the severity of the finding, the danger posed to resident health and safety, the comments and documentation provided by the facility, the diligence and efforts to correct deficiencies, correction of the reported deficiencies, the frequency and duration of similar findings in previous reports and the facility's general inspection history. Violations shall be determined under this subsection no later than 60 days after completion of each inspection, survey and evaluation.

(d) The Department shall maintain all inspection, survey and evaluation reports for at least 5 years in a manner accessible to and understandable by the public.

(Source: P.A. 91-799, eff. 6-13-00; 92-209, eff. 1-1-02.)

Section 15. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2ZZ as follows:

(815 ILCS 505/2ZZ new)

Sec. 2ZZ. Long-term care facility; Consumer Choice Information Report. A long-term care facility that fails to comply with Section 2-214 of the Nursing Home Care Act commits an unlawful practice within the meaning of this Act.".

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 to the order of Third Reading.

HOUSE BILL 2132. Having been reproduced, was taken up and read by title a second time.

Representative Joyce offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2132 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 18a-100, 18a-101, 18a-200, 18a-500, and 18a-501 and by adding Sections 18a-308, 18a-309, 18a-310, 18a-311, 18a-312, 18a-313, 18a-314, and 18a-315 as follows:

(625 ILCS 5/18a-100) (from Ch. 95 1/2, par. 18a-100)

Sec. 18a-100. Definitions. As used in this Chapter: (1) "Commercial vehicle relocator" or "relocator" means any person or entity engaged in the business of removing trespassing vehicles from private property or damaged or disabled vehicles from public or private property by means of towing or otherwise, and thereafter relocating and storing such vehicles;

(2) "Commission" means the Illinois Commerce Commission;

(3) "Operator" means any person who, as an employee of a commercial vehicle relocator, removes

trespassing vehicles from private property or damaged or disabled vehicles from public or private property by means of towing or otherwise. This term includes the driver of any vehicle used in removing a trespassing vehicle from private property, as well as any person other than the driver who assists in the removal of a trespassing vehicle from private property;

(4) "Operator's employment permit" means a license issued to an operator in accordance with Sections 18a-403 or 18a-405 of this Chapter;

(5) "Relocator's license" means a license issued to a commercial vehicle relocator in accordance with Sections 18a-400 or 18a-401 of this Chapter;

(6) "Dispatcher" means any person who, as an employee or agent of a commercial vehicle relocator, dispatches vehicles to or from locations from which operators perform removal activities; and

(7) "Dispatcher's employment permit" means a license issued to a dispatcher in accordance with Sections 18a-407 or 18a-408 of this Chapter.

(Source: P.A. 85-923.)

(625 ILCS 5/18a-101) (from Ch. 95 1/2, par. 18a-101)

Sec. 18a-101. Declaration of policy and delegation of jurisdiction. It is hereby declared to be the policy of the State of Illinois to supervise and regulate the commercial removal of trespassing vehicles from private property and damaged or disabled vehicles from public or private property, and the subsequent relocation and storage of such vehicles in such manner as to fairly distribute rights and responsibilities among vehicle owners, private property owners and commercial vehicle relocators, and for this purpose the power and authority to administer and to enforce the provisions of this Chapter shall be vested in the Illinois Commerce Commission.

(Source: P.A. 80-1459.)

(625 ILCS 5/18a-200) (from Ch. 95 1/2, par. 18a-200)

Sec. 18a-200. General powers and duties of Commission. The Commission shall:

(1) Regulate commercial vehicle relocators and their employees or agents in accordance with this Chapter and to that end may establish reasonable requirements with respect to proper service and practices relating thereto;

(2) Require the maintenance of uniform systems of accounts, records and the preservation thereof;

(3) Require that all drivers and other personnel used in relocation be employees of a licensed relocator;

(4) Regulate equipment leasing to and by relocators;

(5) Adopt reasonable and proper rules covering the exercise of powers conferred upon it by this Chapter, and reasonable rules governing investigations, hearings and proceedings under this Chapter;

(6) Set reasonable rates for the commercial towing or removal of trespassing vehicles from private property and damaged or disabled vehicles from public or private property. The rates shall not exceed the mean average of the 5 highest rates for police tows within the territory to which this Chapter applies that are performed under Sections 4-201 and 4-214 of this Code and that are of record at hearing; provided that the Commission shall not re-calculate the maximum specified herein if the order containing the previous calculation was entered within one calendar year of the date on which the new order is entered. Set reasonable rates for the storage, for periods in excess of 24 hours, of the vehicles in connection with the towing or removal; however, no relocator shall impose charges for storage for the first 24 hours after towing or removal. Set reasonable rates for other services provided by relocators, provided that the rates shall not be charged to the owner or operator of a relocated vehicle. Any fee charged by a relocator for the use of a credit card that is used to pay for any service rendered by the relocator shall be included in the total amount that shall not exceed the maximum reasonable rate established by the Commission. The Commission shall require a relocator to refund any amount charged in excess of the reasonable rate established by the Commission, including any fee for the use of a credit card;

(7) Investigate and maintain current files of the criminal records, if any, of all relocators and their employees and of all applicants for relocator's license, operator's licenses and dispatcher's licenses. If the Commission determines that an applicant for a license issued under this Chapter will be subjected to a criminal history records check, the applicant shall 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 Department of State Police and Federal Bureau of Investigation criminal history record information databases now and hereafter filed. The Department of State Police shall charge the applicant a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish pursuant to positive identification, records of conviction to the Commission;

(8) Issue relocator's licenses, dispatcher's employment permits, and operator's employment permits in

accordance with Article IV of this Chapter;

(9) Establish fitness standards for applicants seeking relocator licensees and holders of relocator licenses;

(10) Upon verified complaint in writing by any person, organization or body politic, or upon its own initiative may, investigate whether any commercial vehicle relocator, operator, dispatcher, or person otherwise required to comply with any provision of this Chapter or any rule promulgated hereunder, has failed to comply with any provision or rule;

(11) Whenever the Commission receives notice from the Secretary of State that any domestic or foreign corporation regulated under this Chapter has not paid a franchise tax, license fee or penalty required under the Business Corporation Act of 1983, institute proceedings for the revocation of the license or right to engage in any business required under this Chapter or the suspension thereof until such time as the delinquent franchise tax, license fee or penalty is paid; -

(12) Establish form disclosures for use by commercial vehicle relocators and operators, including all material disclosures that must be made to the vehicle owner or operator before a vehicle is towed, as is required by Section 18a-308 of this Code;

(13) Establish form invoices for use by commercial vehicle relocators and operators, including all material disclosures that must be made to the vehicle owner or operator upon the vehicle owner or operator's demand for the return of his or her vehicle, as is required by Section 18a-309 of this Code;

(14) Establish form contracts for use by commercial vehicle relocators and operators that comply with all requirements of this Code.

(Source: P.A. 93-418, eff. 1-1-04.)

(625 ILCS 5/18a-308 new)

Sec. 18a-308. Disclosure to vehicle owner or operator before towing of damaged or disabled vehicle commences.

(a) A commercial vehicle relocator or operator shall not commence the towing of a damaged or disabled vehicle without specific authorization from the vehicle owner or operator after the disclosures set forth in this Section.

(b) Every commercial vehicle relocator or operator shall, before towing a damaged or disabled vehicle, give to each vehicle owner or operator a written disclosure providing:

(1) The formal business name of the commercial vehicle relocator or its operator, as registered with the Illinois Secretary of State, and its business address and telephone number.

(2) The address of the location to which the vehicle shall be relocated by the operator.

(3) The cost of all relocation, storage, and any other fees, without limitation, that the commercial vehicle relocator or operator will charge for its services.

(4) An itemized description of the vehicle owner or operator's rights under this Code, as follows:

"As a customer, you also have the following rights under Illinois law:

(1) This written disclosure must be provided to you before your vehicle is towed, providing the business name, business address, address where the vehicle will be towed, and a reliable telephone number;

(2) Before towing, you must be advised of the price of all services;

(3) Upon your demand, a final invoice itemizing all charges, as well as any damage to the vehicle upon its receipt and return to you, must be provided;

(4) Upon your demand, your vehicle must be returned during business hours, upon your prompt payment of all reasonable fees, not to exceed those set by the Illinois Commerce Commission;

(5) You have the right to pay all charges in cash or by major credit card;

(6) Upon your demand, you must be provided with proof of the existence of mandatory insurance insuring against all risks associated with the transportation and storage of your vehicle;

(7) You cannot be charged a fee in excess of the maximum fees for all services as set by the Consumer Services Division of the Illinois Commerce Commission, which are as follows:"

(c) The commercial vehicle relocator or operator shall provide a copy of the completed disclosure required by this Section to the vehicle owner or operator, before towing the damaged or disabled vehicle, and shall maintain an identical copy of the completed disclosure in its records for a minimum of 5 years after the transaction concludes.

(d) If the vehicle owner or operator is incapacitated, incompetent, or otherwise unable to knowingly accept receipt of the disclosure described in this Section, the commercial vehicle relocator or operator shall provide a completed copy of the disclosure to local law enforcement and, if known, the vehicle owner or operator's automobile insurance company.

(e) If the commercial vehicle relocator or operator fails to comply with the requirements of this Section, the commercial vehicle relocator or operator shall be prohibited from seeking any compensation

whatsoever from the vehicle owner or operator, including but not limited to any towing, storage, or other incidental fees. Furthermore, if the commercial vehicle relocator or operator fails to comply with the requirements of this Section, any contracts entered into by the commercial vehicle relocator or operator and the vehicle owner or operator shall be deemed null, void, and unenforceable.

(625 ILCS 5/18a-309 new)

Sec. 18a-309. Disclosures to vehicle owners or operators; invoices.

(a) Upon demand of the vehicle owner or operator, the commercial vehicle relocator or operator shall provide an itemized final invoice that fairly and accurately documents the charges owed by the vehicle owner or operator for relocation of damaged or disabled vehicles. The final estimate or invoice shall accurately record in writing all of the items set forth in this Section.

(b) The final invoice shall show the formal business name of the commercial vehicle relocator or its operator, as registered with the Illinois Secretary of State, its business address and telephone number, the date of the invoice, the odometer reading at the time the final invoice was prepared, the name of the vehicle owner or operator, and the description of the motor vehicle, including the motor vehicle identification number. In addition, the invoice shall describe any modifications made to the vehicle by the commercial vehicle relocator or operator, any observable damage to the vehicle upon its initial receipt by the commercial vehicle relocator or operator, and any observable damage to the vehicle at the time of its release to the vehicle owner or operator. The invoice shall itemize any additional charges and include those charges in the total presented to the vehicle owner or operator.

(c) A legible copy of the invoice shall be given to the vehicle owner or operator, and a legible copy shall be retained by the collision repair facility for a period of 5 years from the date of release of the vehicle. The copy may be retained in electronic format. Records may be stored at a separate location.

(625 ILCS 5/18a-310 new)

Sec. 18a-310. Disclosures to vehicle owners or operators; required signs. Every commercial vehicle relocator's or operator's storage facility that relocates or stores damaged or disabled vehicles shall post, in a prominent place on the business premises, one or more signs, readily visible to customers, in the following form:

YOUR CUSTOMER RIGHTS. YOU ARE ENTITLED BY LAW TO:

1. BEFORE TOWING, A WRITTEN DISCLOSURE STATING THE NAME OF THE TOWING AND STORAGE SERVICE, ITS BUSINESS ADDRESS AND TELEPHONE NUMBER, AND THE ADDRESS WHERE THE VEHICLE WAS TO BE TOWED.

2. BEFORE TOWING, THE PRICE OF ALL CHARGES FOR THE TOWING AND STORAGE OF YOUR VEHICLE.

3. UPON YOUR DEMAND FOR THE RETURN OF YOUR VEHICLE, A FINAL INVOICE ITEMIZING ALL CHARGES FOR TOWING, STORAGE, OR ANY OTHER SERVICES PROVIDED, AS WELL AS ANY DAMAGE IDENTIFIED TO THE VEHICLE AT THE TIME IT WAS TAKEN BY THE TOWING AND STORAGE FACILITY, AS WELL AS ANY DAMAGE TO THE VEHICLE IDENTIFIED UPON ITS RELEASE TO YOU.

4. THE RETURN OF YOUR VEHICLE, UPON YOUR DEMAND FOR ITS RETURN DURING BUSINESS HOURS AND YOUR PROMPT PAYMENT OF ALL REASONABLE FEES, NOT TO EXCEED THOSE SET BY THE ILLINOIS COMMERCE COMMISSION, AS DETAILED BELOW.

5. PAY ALL CHARGES IN CASH OR BY MAJOR CREDIT CARD.

6. UPON YOUR DEMAND, PROOF OF THE EXISTENCE OF INSURANCE, WHICH THE COMMERCIAL VEHICLE RELOCATOR MUST MAINTAIN TO INSURE AGAINST RISK OF DAMAGE TO YOUR VEHICLE IN TRANSIT AND WHILE IN STORAGE.

IF THE COMMERCIAL VEHICLE RELOCATOR HAS COMPLIED WITH THE ABOVE RIGHTS, YOU ARE REQUIRED, BEFORE TAKING THE VEHICLE FROM THE PREMISES, TO PAY FOR THE SERVICES PROVIDED BY THE COMMERCIAL VEHICLE RELOCATOR, IN AN AMOUNT NOT IN EXCESS OF THOSE FEES SET BY THE ILLINOIS COMMERCE COMMISSION.

THE ILLINOIS COMMERCE COMMISSION HAS SET THE FOLLOWING MAXIMUM FEES FOR SERVICES:

The first line of each sign shall be in letters not less than 1.5 inches in height, and the remaining lines shall be in letters not less than one-half inch in height.

(625 ILCS 5/18a-311 new)

Sec. 18a-311. Record keeping. Every commercial vehicle relocator and operator engaged in relocation or storage of damaged or disabled vehicles shall maintain copies of (i) all disclosures provided to vehicle owners or operators as required under Section 18a-308 and (ii) all invoices provided to vehicle owners or

operators as required under Section 18a-309. The copies may be maintained in an electronic format, shall be kept for 5 years, and shall be available for inspection by the Attorney General.

(625 ILCS 5/18a-312 new)

Sec. 18a-312. Waiver or limitation of liability prohibited.

(a) Commercial vehicle relocators or operators engaged in the relocation or storage of damaged or disabled vehicles shall be prohibited from including a clause in contracts for the relocation or storage of vehicles purporting to waive or limit the commercial vehicle relocator's or operator's liability under this Code, in tort or contract, or under any other cognizable cause of action available to the vehicle owner or operator.

(b) Commercial vehicle relocators or operators are prohibited from requiring the vehicle owner or operator to sign or agree to any document purporting to waive or limit the commercial vehicle relocator's and operator's liability under this Code, in tort or contract, or under any other cognizable cause of action available to the vehicle owner or operator.

(c) Any contract, release, or other document purporting to waive or limit the commercial vehicle relocator's or operator's liability under this Code, in tort or contract, or under any other cognizable cause of action available to the vehicle owner or operator, shall be deemed null, void, and unenforceable.

(625 ILCS 5/18a-313 new)

Sec. 18a-313. Unlawful practice. Any commercial vehicle relocator or operator engaged in the relocation or storage of damaged or disabled vehicles who fails to comply with Sections 18a-308, 18a-309, 18a-310, 18a-312, or 18a-500 of this Code commits an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act.

(625 ILCS 5/18a-314 new)

Sec. 18a-314. Charges payable in cash or by major credit card. Any towing or storage charges accrued by the vehicle owner or operator shall be payable by the use of any major credit card, in addition to being payable in cash.

(625 ILCS 5/18a-315 new)

Sec. 18a-315. Mandatory insurance coverage.

(a) A commercial vehicle relocator or operator shall provide insurance coverage for all risks associated with the transportation of vehicles towed under this Chapter, as well as for areas where vehicles towed under this Chapter are impounded or otherwise stored, and shall adequately cover loss by fire, theft, or other risks.

(b) Upon the demand of the vehicle owner or operator, a commercial vehicle relocator or operator shall promptly supply proof of the existence of this insurance.

(c) Any person who fails to comply with the conditions and restrictions of this subsection shall be guilty of a Class C misdemeanor and shall be fined not less than $100 nor more than $500.

(625 ILCS 5/18a-500) (from Ch. 95 1/2, par. 18a-500)

Sec. 18a-500. Posting of rates. Every commercial vehicle relocator shall print and keep open to the public, all authorized rates and charges for towing, otherwise moving, and storing vehicles in connection with removal of unauthorized vehicles from private property or damaged or disabled vehicles from public or private property. Such rates and charges shall be clearly stated in terms of lawful money of the United States, and shall be posted in such form and manner, and shall contain such information as the Commission shall by regulation prescribe.

(Source: P.A. 80-1459.)

(625 ILCS 5/18a-501) (from Ch. 95 1/2, par. 18a-501)

Sec. 18a-501. Liens against relocated vehicles.

(a) Except as otherwise provided in subsection (b), any vehicle ~~Unauthorized vehicles~~ removed and stored by a commercial vehicle relocator in compliance with this Chapter shall be subject to a possessory lien for services pursuant to the Labor and Storage Lien (Small Amount) Act, and the provisions of Section 1 of that Act relating to notice and implied consent shall be deemed satisfied by compliance with Section 18a-302 and item (10) of Section 18a-300. In no event shall such lien be greater than the rate or rates established in accordance with item (6) of Section 18a-200. In no event shall such lien be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Act. Every such lien shall be payable by use of any major credit card, in addition to being payable in cash. Upon receipt of a properly signed credit card receipt, a relocator shall become a holder in due course, and neither the holder of the credit card nor the company which issued the credit card may thereafter refuse to remit payment in the amount shown on the credit card receipt minus the ordinary charge assessed by the credit card company for processing the charge. The Commission may adopt regulations governing acceptance of

credit cards by a relocator.

(b) A commercial vehicle relocator or operator that fails to comply with Sections 18a-300, 18a-301, 18a-302, 18a-304, 18a-308, 18a-309, 18a-310, 18a-311, 18a-312, or 18a-500 of this Code is barred from asserting a possessory or chattel lien for the amount of any fees claimed for any towing, storage, or other services provided.

(Source: P.A. 91-357, eff. 7-29-99.)

Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

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

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Automotive Collision Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, the Payday Loan Reform Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code, Section 18a-308, 18a-309, 18a-310, 18a-312, or 18a-500 of the Illinois Vehicle Code as provided in Section 18a-313 of that Code, Article 3 of the Residential Real Property Disclosure Act, the Automatic Contract Renewal Act, or the Personal Information Protection Act commits an unlawful practice within the meaning of this Act.

(Source: P.A. 93-561, eff. 1-1-04; 93-950, eff. 1-1-05; 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280, eff. 1-1-06; 94-292, eff. 1-1-06; 94-822, eff. 1-1-07.)".

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 2982. Having been reproduced, was taken up and read by title a second time.

Representative Mulligan offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2982 by replacing everything after the enacting clause with the following:

"Section 5. The Health Care Justice Act is amended by adding Section 21 as follows:

(20 ILCS 4045/21 new)

Sec. 21. Legislative Oversight Council on Cost Feasibility for Health Care Plan Implementation.

(a) The Legislative Oversight Council on Cost Feasibility for Health Care Plan Implementation is established for the purpose of examining various health care recommendations made by entities within the State and improving communication, accountability, and coordination efforts among the multiple systems working to strengthen the health care system in this State.

The Council shall consist of 20 members as follows:

(1) 2 members of the General Assembly and 2 members of the general public appointed by the President of the Senate.

(2) 2 members of the General Assembly and 2 members of the general public appointed by the Minority Leader of the Senate.

(3) 2 members of the General Assembly and 2 members of the general public appointed by the Speaker of the House of Representatives.

(4) 2 members of the General Assembly and 2 members of the general public appointed by the Minority Leader of the House of Representatives.

(5) The Director of Healthcare and Family Services or his or her designee.

(6) The Secretary of Human Services or his or her designee.

(7) The Director of Public Health or his or her designee.

(8) The Director of the Division of Insurance of the Department of Financial and Professional

Regulation or his or her designee.

All appointed members of the Council shall serve in their designated capacities at the pleasure of the designating authority. Members appointed from the general public shall represent the following associations, organizations, and interests: business, labor, insurance, doctors, hospitals, and nurses.

(b) The President of the Senate and the Speaker of the House of Representatives shall each designate one member of the Council to serve as a co-chair to the Council.

(c) Council members shall serve without compensation or reimbursement for expenses.

(d) The Council shall meet at the call of the 2 co-chairs, but at least on a quarterly basis.

(e) The Council may conduct public hearings to gather testimony from interested parties regarding health care, including changes to existing and proposed programs.

(f) The Council may advise appropriate State agencies regarding the establishment of proposed programs or changes to existing programs. The State agencies shall take into consideration any recommendations made by the Council.

(g) The Council shall report to the General Assembly and the Governor annually, or as it deems necessary, regarding proposed or recommended changes to State-implemented health care plans and any associated costs of those changes.

(h) The Department of Public Health shall provide staff and administrative support to the Council.

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

The following amendment was offered in the Committee on Consumer Protection, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 825 on page 2, immediately below line 11, by inserting the following:

"(d) An electric utility shall bear the costs of issuing any reports required by this Section and it shall not be entitled to recovery of any costs incurred in complying with this Section.".

Representative Phelps offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 825, AS AMENDED, in Section 5, Sec. 4-602, subsection (b), by replacing "2008" with "2009"; and

in Section 5, Sec. 4-602, by deleting subsection (c); and

in Section 5, Sec. 4-602, subsection (d), by replacing "(d)" with "(c)"; and

in Section 5, by replacing Sec. 4-603 with the following:

"(220 ILCS 5/4-603 new)

Sec. 4-603. Adequate employment for in-house utility employees. The Commission shall develop benchmarks for employee staffing levels for each classification and employee training for each classification.".

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 2820. Having been reproduced, was taken up and read by title a second time.

Representative Reis offered the following amendments and moved their adoption:

AMENDMENT NO. 1. Amend House Bill 2820 by replacing everything after the enacting clause with the following:

"Section 5. The Meat and Poultry Inspection Act is amended by changing Section 5.2 as follows:
(225 ILCS 650/5.2)
Sec. 5.2. Type II licenses.
(a) Type II establishments licensed under this Act for custom slaughtering and custom processing shall:
(1) Be permitted to receive, for processing, meat products and poultry products from animals and poultry slaughtered by the owner or for the owner for his or her own personal use or for use by his or her household.
(2) Be permitted to receive live animals and poultry presented by the owner to be slaughtered and processed for the owner's own personal use or for use by his or her household.
(3) Be permitted to receive, for processing, inspected meat products and inspected poultry products for the owner's own personal use or for use by his or her household.
(4) Stamp the words "NOT FOR SALE-NOT INSPECTED" in letters at least 3/8 inches in height on all carcasses of animals and immediate poultry product containers for poultry slaughtered in such establishment and on all meat products and immediate poultry product containers for poultry products processed in that establishment.
(5) Conspicuously display a license issued by the Department and bearing the words "NO SALES PERMITTED".
(6) Keep a record of the name and address of the owner of each carcass or portion thereof received in such licensed establishment, the date received, and the dressed weight. Such records shall be maintained for at least one year and shall be available, during reasonable hours, for inspection by Department personnel.
(b) No custom slaughterer or custom processor shall engage in the business of buying or selling any poultry or meat products capable of use as human food, or slaughter of any animals or poultry intended for sale.
(c) Each Type II licensee shall develop, implement, and maintain written standard operating procedures for sanitation, which shall be known as Sanitation SOPs, in accordance with all of the following requirements:
(1) The Sanitation SOPs must describe all procedures that a Type II licensee shall conduct daily, before and during operations, sufficient to prevent direct contamination or adulteration of products.
(2) The Sanitation SOPs must be signed and dated by the individual with overall authority on-site or a higher level official of the establishment. This signature shall signify that the establishment shall implement the Sanitation SOPs as specified and maintain the Sanitation SOPs in accordance with the requirements of this subsection (c). The Sanitation SOPs must be signed and dated upon the initial implementation of the Sanitation SOPs and upon any modification to the Sanitation SOPs.
(3) Procedures set forth in the Sanitation SOPs that are to be conducted prior to operations must be identified as such and must address, at a minimum, the cleaning of food contact surfaces of facilities, equipment, and utensils.
(4) The Sanitation SOPs must specify the frequency with which each procedure in the Sanitation SOPs shall be conducted and identify the establishment employees responsible for the implementation and maintenance of the procedures.
(5) Prior to the start of operations, each licensee must conduct the pre-operational procedures in the Sanitation SOPs. All other procedures set forth in the Sanitation SOPs must be conducted at the frequencies specified.
(6) The implementation of the procedures set forth in the Sanitation SOPs must be monitored daily by the licensee.
(7) A licensee must routinely evaluate the effectiveness of the Sanitation SOPs and the procedures set forth therein in preventing direct contamination or adulteration of products and shall revise both as necessary to keep the Sanitation SOPs and the procedures set forth therein effective and current with respect to changes in facilities, equipment, utensils, operations, or personnel.
(8) A licensee must take appropriate corrective action when either the establishment itself or the Department determines that the Sanitation SOPs or the procedures specified therein or the implementation or maintenance of the Sanitation SOPs may have failed to prevent direct contamination or adulteration of products. Corrective actions include procedures to ensure appropriate disposition of products that may be contaminated, restore sanitary conditions, and prevent the recurrence of direct contamination or adulteration of products, such as appropriate reevaluation and modification of the Sanitation SOPs and the procedures specified therein or appropriate improvements in the execution of the Sanitation SOPs or the procedures specified therein.

(9) A licensee must maintain daily records sufficient to document the implementation and monitoring of the Sanitation SOPs and any corrective actions taken. The establishment employees specified in the Sanitation SOPs as being responsible for the implementation and monitoring of the procedures set forth in the Sanitation SOPs must authenticate these records with their initials and the date. The records required to be maintained under this item (9) may be maintained on computers, provided that the establishment implements appropriate controls to ensure the integrity of the electronic data. Records must be maintained for at least 6 months and made available to the Department upon request. All records must be maintained at the licensed establishment for 48 hours following completion, after which the records may be maintained off-site, provided that the records may be made available to the Department within 24 hours of request.

(10) The Department shall verify the adequacy and effectiveness of the Sanitation SOPs and the procedures specified therein by determining that they meet the requirements of this subsection (c). This verification may include the following:

(A) reviewing the Sanitation SOPs;

(B) reviewing the daily records documenting the implementation of the Sanitation SOPs and the procedures set forth therein and any corrective actions taken or required to be taken;

(C) direct observation of the implementation of the Sanitation SOPs and the procedures specified therein and any corrective actions taken or required to be taken; and

(D) direct observation or testing to assess the sanitary conditions within the establishment.

(d) Each Type II licensee that slaughters livestock must test for Escherichia coli Biotype 1 (E. coli). Licensees that slaughter more than one type of livestock or both livestock and poultry must test the type of livestock or poultry slaughtered in the greatest number. The testing required under this subsection (d) must meet all of the following requirements:

(1) A licensee must prepare written specimen collection procedures that identify the employees designated to collect samples and must address (i) locations of sampling, (ii) the ways in which sampling randomness is achieved, and (iii) the handling of samples to ensure sample integrity. This written procedure must be made available to the Department upon request.

(2) Livestock samples must be collected from all chilled livestock carcasses, except those boned before chilling (hot-boned), which must be sampled after the final wash. Samples must be collected in the following manner:

(A) for cattle, establishments must sponge or excise tissue from the flank, brisket, and rump, except for hide-on calves, in which case establishments must take samples by sponging from inside the flank, inside the brisket, and inside the rump;

(B) for sheep and goats, establishments must sponge from the flank, brisket, and rump, except for hide-on carcasses, in which case establishments must take samples by sponging from inside the flank, inside the brisket, and inside the rump;

(C) for swine carcasses, establishments must sponge or excise tissue from the ham, belly, and jowl areas.

(3) A licensee must collect at least one sample per week, starting the first full week of operation after June 1 of each year, and continue sampling at a minimum of once each week in which the establishment operates until June 1 of the following year or until 13 samples have been collected, whichever is sooner.

(4) Upon a licensee's meeting the requirements of item (3) of this subsection (d), weekly sampling and testing shall be optional, unless changes are made in establishment facilities, equipment, personnel, or procedures that may affect the adequacy of existing process control measures, as determined by the licensee or the Department. Determinations made by the Department that changes have been made requiring the resumption of weekly testing must be provided to the licensee in writing.

(5) Laboratories may use any quantitative method for the analysis of E. coli that is approved as an AOAC Official Method of the AOAC International (formerly the Association of Official Analytical Chemists) or approved and published by a scientific body and based on the results of a collaborative trial conducted in accordance with an internationally recognized protocol on collaborative trials and compared against the 3 tube Most Probable Number (MPN) method and agreeing with the 95% upper and lower confidence limit of the appropriate MPN index.

(6) A licensee must maintain accurate records of all test results, in terms of $CFU/cm^2$ of surface area sponged or excised. Results must be recorded onto a process control chart or table showing at least the most recent 13 test results, by type of livestock slaughtered. Records shall be retained at the establishment for a period of 12 months and made available to the Department upon request.

(7) Licensees must meet the following criteria for the evaluation of test results:

(A) A licensee excising samples from carcasses shall be deemed as operating within the criteria of

this item (7) when the most recent E. coli test result does not exceed the upper limit (M), and the number of samples, if any, testing positive at levels above (m) is 3 or fewer out of the most recent 13 samples (n) taken, as follows:

Evaluation of E. Coli Test Results

| Type of Livestock | Lower limit of marginal range | Upper limit of marginal range | Number samples collected | Max number permitted in marginal range |
|---|---|---|---|---|
| | (m) | (M) | (n) | (c) |
| Cattle | Negative a | 100 CFU/$cm^2$ | 13 | 3 |
| Swine | 10 CFU/$cm^2$ | 10,000 CFU/cm | 13 | 3 |

a Negative is defined by the sensitivity of the method used in the baseline study with a limit of sensitivity of at least 5 CFU/$cm^2$ carcass surface area.

(B) A licensee sponging carcasses shall evaluate E. coli test results using statistical process control techniques.

(8) Test results that do not meet the criteria set forth in item (7) of this subsection (d) are an indication that the establishment may not be maintaining process controls sufficient to prevent fecal contamination. The Department shall take further action as appropriate to ensure that all applicable provisions of this Section are being met.

(9) Inspection shall be suspended in accordance with the rules of practice adopted for such proceedings upon a finding by the Department that one or more provisions of items (1) through (6) of this subsection (d) have not been complied with and written notice of this noncompliance has been provided to the licensee.

(e) Each Type II licensee that slaughters poultry shall test for Escherichia coli Biotype 1 (E. coli). Licensees that slaughter more than one type of poultry or poultry and livestock, shall test the type of poultry or livestock slaughtered in the greatest number. The testing required under this subsection (e) must meet all of the following requirements:

(1) A licensee must prepare written specimen collection procedures that identify the employees designated to collect samples and must address (i) locations of sampling, (ii) the ways in which sampling randomness is achieved, and (iii) the handling of samples to ensure sample integrity. This written procedure must be made available to the Department upon request.

(2) When collecting poultry samples, a whole bird must be taken from the end of the slaughter line. Samples must be collected by rinsing the whole carcass in an amount of buffer appropriate for that type of bird. Samples from turkeys or ratites also may be collected by sponging the carcass on the back and thigh.

(3) Licensees that slaughter turkeys, ducks, geese, guineas, squabs, or ratites in the largest number must collect at least one sample during each week of operation after June 1 of each year, and continue sampling at a minimum of once each week that the establishment operates until June 1 of the following year or until 13 samples have been collected, whichever is sooner.

(4) Upon a licensee's meeting the requirements of item (3) of this subsection (e), weekly sampling and testing shall be optional, unless changes are made in establishment facilities, equipment, personnel, or procedures that may affect the adequacy of existing process control measures, as determined by the licensee or by the Department. Determinations by the Department that changes have been made requiring the resumption of weekly testing must be provided to the licensee in writing.

(5) Laboratories may use any quantitative method for the analysis of E. coli that is approved as an AOAC Official Method of the AOAC International (formerly the Association of Official Analytical Chemists) or approved and published by a scientific body and based on the results of a collaborative trial conducted in accordance with an internationally recognized protocol on collaborative trials and compared against the 3 tube Most Probable Number (MPN) method and agreeing with the 95% upper and lower confidence limit of the appropriate MPN index.

(6) A licensee must maintain accurate records of all test results, in terms of CFU/ml of rinse fluid. Results must be recorded onto a process control chart or table showing the most recent 13 test results, by type of poultry slaughtered. Records must be retained at the establishment for a period of 12 months and made available to the Department upon request.

(7) A licensee excising samples under this subsection (e) shall be deemed as operating within the criteria of this item (7) when the most recent E. coli test result does not exceed the upper limit (M), and the

number of samples, if any, testing positive at levels above (m) is 3 or fewer out of the most recent 13 samples (n) taken, as follows:

Evaluation of E. Coli Test Results

| Type of poultry | Lower limit of marginal range | Upper limit of marginal range | Number of samples tested | Number permitted in marginal range |
|---|---|---|---|---|
| | (m) | (M) | (n) | (c) |
| Chickens | 100 CFU/ml | 1,000 CFU/ml | 13 | 3 |

(8) Test results that do not meet the criteria set forth in item (7) of this subsection (e) are an indication that the establishment may not be maintaining process controls sufficient to prevent fecal contamination. The Department shall take further action as appropriate to ensure that all applicable provisions of this Section are being met.

(9) Inspection shall be suspended in accordance with the rules of practice adopted for such proceeding upon a finding by the Department that one or more provisions of items (1) through (6) of this subsection (e) have not been complied with and written notice of this noncompliance has been provided to the establishment.

(Source: P.A. 94-1052, eff. 1-1-07.)".

AMENDMENT NO. 2. Amend House Bill 2820, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 10, by deleting lines 1 through 6; and
on page 13, by deleting lines 6 through 11.

The foregoing motions 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 2920. Having been reproduced, was taken up and read by title a second time.

Representative Winters offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2920 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 10-2.1-6 as follows:

(65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

Sec. 10-2.1-6. Examination of applicants; disqualifications.

(a) All applicants for a position in either the fire or police department of the municipality shall be under 35 years of age, shall be subject to an examination that shall be public, competitive, and open to all applicants (unless the council or board of trustees by ordinance limit applicants to electors of the municipality, county, state or nation) and shall be subject to reasonable limitations as to residence, health, habits, and moral character. The municipality may not charge or collect any fee from an applicant who has met all prequalification standards established by the municipality for any such position.

(b) Residency requirements in effect at the time an individual enters the fire or police service of a municipality (other than a municipality that has more than 1,000,000 inhabitants) cannot be made more restrictive for that individual during his period of service for that municipality, or be made a condition of promotion, except for the rank or position of Fire or Police Chief.

(c) No person with a record of misdemeanor convictions except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section 24-1 of the Criminal Code of 1961 or arrested for any cause but not convicted on that cause shall be disqualified from taking the examination to qualify for a position in the fire department on grounds of habits or moral character.

(d) The age limitation in subsection (a) does not apply (i) to any person previously employed as a policeman or fireman in a regularly constituted police or fire department of (I) any municipality, regardless of whether the municipality is located in Illinois or in another state, or (II) a fire protection district whose

obligations were assumed by a municipality under Section 21 of the Fire Protection District Act, (ii) to any person who has served a municipality as a regularly enrolled volunteer fireman for 5 years immediately preceding the time that municipality begins to use full time firemen to provide all or part of its fire protection service, or (iii) to any person who has served as an auxiliary police officer under Section 3.1-30-20 for at least 5 years and is under 40 years of age, (iv) to any person who has served as a deputy under Section 3-6008 of the Counties Code and otherwise meets necessary training requirements, or (v) to any person who has served as a sworn officer as a member of the Illinois Department of State Police.

(e) Applicants who are 20 years of age and who have successfully completed 2 years of law enforcement studies at an accredited college or university may be considered for appointment to active duty with the police department. An applicant described in this subsection (e) who is appointed to active duty shall not have power of arrest, nor shall the applicant be permitted to carry firearms, until he or she reaches 21 years of age.

(f) Applicants who are 18 years of age and who have successfully completed 2 years of study in fire techniques, amounting to a total of 4 high school credits, within the cadet program of a municipality may be considered for appointment to active duty with the fire department of any municipality.

(g) The council or board of trustees may by ordinance provide that persons residing outside the municipality are eligible to take the examination.

(h) The examinations shall be practical in character and relate to those matters that will fairly test the capacity of the persons examined to discharge the duties of the positions to which they seek appointment. No person shall be appointed to the police or fire department if he or she does not possess a high school diploma or an equivalent high school education. A board of fire and police commissioners may, by its rules, require police applicants to have obtained an associate's degree or a bachelor's degree as a prerequisite for employment. The examinations shall include tests of physical qualifications and health. No person shall be appointed to the police or fire department if he or she has suffered the amputation of any limb unless the applicant's duties will be only clerical or as a radio operator. No applicant shall be examined concerning his or her political or religious opinions or affiliations. The examinations shall be conducted by the board of fire and police commissioners of the municipality as provided in this Division 2.1.

(i) No person who is classified by his local selective service draft board as a conscientious objector, or who has ever been so classified, may be appointed to the police department.

(j) No person shall be appointed to the police or fire department unless he or she is a person of good character and not an habitual drunkard, gambler, or a person who has been convicted of a felony or a crime involving moral turpitude. No person, however, shall be disqualified from appointment to the fire department because of his or her record of misdemeanor convictions except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and subsections (1), (6) and (8) of Section 24-1 of the Criminal Code of 1961 or arrest for any cause without conviction on that cause. Any such person who is in the department may be removed on charges brought and after a trial as provided in this Division 2.1.

(Source: P.A. 94-29, eff. 6-14-05; 94-984, eff. 6-30-06.)".

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

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

HOUSE BILL 620. Having been reproduced, was taken up and read by title a second time.

The following amendments were offered in the Committee on Local Government, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 620 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by adding Section 5-12020 as follows:

(55 ILCS 5/5-12020 new)

Sec. 5-12020. Wind farms. A county may establish standards for wind farms and electric-generating wind devices. The standards may include, without limitation, the height of the devices and the number of

devices that may be located within a geographic area. A county may also regulate the siting of wind farms and electric-generating wind devices in unincorporated areas of the county outside of the zoning jurisdiction of a municipality and the 1.5 mile radius surrounding the zoning jurisdiction of a municipality. There shall be at least one public hearing not more than 30 days prior to a siting decision by the county board. Notice of the hearing shall be published in a newspaper of general circulation in the county. Counties may allow test wind towers to be sited without formal approval by the county board. Test wind towers must be dismantled within 3 years of installation. For the purposes of this Section, "test wind towers" are wind towers that are designed solely to collect wind generation data.

Section 10. The Illinois Municipal Code is amended by adding Section 11-13-26 as follows:

(65 ILCS 5/11-13-26 new)

Sec. 11-13-26. Wind farms. A municipality may regulate wind farms and electric-generating wind devices within its zoning jurisdiction and within the 1.5 mile radius surrounding its zoning jurisdiction. There shall be at least one public hearing not more than 30 days prior to a siting decision by the corporate authorities of a municipality. Notice of the hearing shall be published in a newspaper of general circulation in the municipality. A municipality may allow test wind towers to be sited without formal approval by the corporate authorities of the municipality. Test wind towers must be dismantled within 3 years of installation. For the purposes of this Section, "test wind towers" are wind towers that are designed solely to collect wind generation data.

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

AMENDMENT NO. 2. Amend House Bill 620, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 2, line 7, after the period, by inserting the following:

"Any provision of a county zoning ordinance pertaining to wind farms that is in effect before the effective date of this amendatory Act of the 95th General Assembly may continue in effect notwithstanding any requirements of this Section.".

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 3135. Having been reproduced, was taken up and read by title a second time.

Representative Sacia offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 3135 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 12-612 as follows:

(625 ILCS 5/12-612)

Sec. 12-612. False or secret compartment in a ~~motor~~ vehicle.

(a) Offenses. It is unlawful for any person to own or operate any ~~motor~~ vehicle he or she knows to contain a false or secret compartment. It is unlawful for any person to knowingly install, create, build, or fabricate in any ~~motor~~ vehicle a false or secret compartment.

(b) Definitions. For purposes of this Section, a "false or secret compartment" means any enclosure that is intended and designed to be used to conceal, hide, and prevent discovery by law enforcement officers of the false or secret compartment, or its contents, and which is integrated into a vehicle. For purpose of this Section, a person's intention to use a false or secret compartment to conceal the contents of the compartment from a law enforcement officer may be inferred from factors including, but not limited to, the discovery of a person, firearm, controlled substance, or other contraband within the false or secret compartment, or from the discovery of evidence of the previous placement of a person, firearm, controlled substance, or other contraband within the false or secret compartment.

(c) Forfeiture. Any ~~motor~~ vehicle containing a false or secret compartment, as well as any items within that compartment, shall be subject to seizure by the Department of State Police or by any municipal or other local law enforcement agency within whose jurisdiction that property is found as provided in Sections 36-1 and 36-2 of the Criminal Code of 1961 (720 ILCS 5/36-1 and 5/36-2). The removal of the false or secret compartment from the ~~motor~~ vehicle, or the promise to do so, shall not be the basis for a defense to forfeiture of the ~~motor~~ vehicle under Section 36-2 of the Criminal Code of 1961 and shall not be the basis for the court to release the vehicle to the owner.

(d) Sentence. A violation of this Section is a Class 4 felony.

(Source: P.A. 93-276, eff. 1-1-04.)

Section 10. The Criminal Code of 1961 is amended by changing Section 36-1 as follows:

(720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used with the knowledge and consent of the owner in the commission of, or in the attempt to commit as defined in Section 8-4 of this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2, 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 18-2, 19-1, 19-2, 19-3, 20-1, 20-2, 20.5-6, 24-1.2, 24-1.2-5, 24-1.5, or 28-1 of this Code, paragraph (a) of Section 12-4 of this Code, paragraph (a) of Section 12-15 or paragraphs (a), (c) or (d) of Section 12-16 of this Code, or paragraph (a)(6) or (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23, 24 or 26 of the Cigarette Tax Act if the vessel, vehicle or aircraft contains more than 10 cartons of such cigarettes; (c) Section 28, 29 or 30 of the Cigarette Use Tax Act if the vessel, vehicle or aircraft contains more than 10 cartons of such cigarettes; (d) Section 44 of the Environmental Protection Act; (e) 11-204.1 of the Illinois Vehicle Code; (f) the offenses described in the following provisions of the Illinois Vehicle Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A), (d)(1)(D), (d)(1)(G), or (d)(1)(H); (g) an offense described in subsection (g) of Section 6-303 of the Illinois Vehicle Code; ~~or~~ (h) an offense described in subsection (e) of Section 6-101 of the Illinois Vehicle Code; or (i) an offense described in Section 12-612 of the Illinois Vehicle Code may be seized and delivered forthwith to the sheriff of the county of seizure.

Within 15 days after such delivery the sheriff shall give notice of seizure to each person according to the following method: Upon each such person whose right, title or interest is of record in the office of the Secretary of State, the Secretary of Transportation, the Administrator of the Federal Aviation Agency, or any other Department of this State, or any other state of the United States if such vessel, vehicle or aircraft is required to be so registered, as the case may be, by mailing a copy of the notice by certified mail to the address as given upon the records of the Secretary of State, the Department of Aeronautics, Department of Public Works and Buildings or any other Department of this State or the United States if such vessel, vehicle or aircraft is required to be so registered. Within that 15 day period the sheriff shall also notify the State's Attorney of the county of seizure about the seizure.

In addition, any mobile or portable equipment used in the commission of an act which is in violation of Section 7g of the Metropolitan Water Reclamation District Act shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vessels, vehicles and aircraft, and any such equipment shall be deemed a vessel, vehicle or aircraft for purposes of this Article.

When a person discharges a firearm at another individual from a vehicle with the knowledge and consent of the owner of the vehicle and with the intent to cause death or great bodily harm to that individual and as a result causes death or great bodily harm to that individual, the vehicle shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vehicles used in violations of clauses (a), (b), (c), or (d) of this Section.

If the spouse of the owner of a vehicle seized for an offense described in subsection (g) of Section 6-303 of the Illinois Vehicle Code, a violation of subdivision (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501 of the Illinois Vehicle Code, or Section 9-3 of this Code makes a showing that the seized vehicle is the only source of transportation and it is determined that the financial hardship to the family as a result of the seizure outweighs the benefit to the State from the seizure, the vehicle may be forfeited to the spouse or family member and the title to the vehicle shall be transferred to the spouse or family member who is properly licensed and who requires the use of the vehicle for employment or family transportation purposes. A written declaration of forfeiture of a vehicle under this Section shall be sufficient cause for the title to be transferred to the spouse or family member. The provisions of this paragraph shall apply only to one forfeiture per vehicle. If the vehicle is the subject of a subsequent forfeiture proceeding by virtue of a subsequent conviction of either spouse or the family member, the spouse or family member to whom the vehicle was forfeited under the first forfeiture proceeding may not utilize the provisions of this paragraph in another forfeiture proceeding. If the owner of the vehicle seized owns more than one vehicle, the procedure set out in this paragraph may be used for only one vehicle.

Property declared contraband under Section 40 of the Illinois Streetgang Terrorism Omnibus Prevention Act may be seized and forfeited under this Article.

(Source: P.A. 93-187, eff. 7-11-03; 94-329, eff. 1-1-06; 94-1017, eff. 7-7-06.)".

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

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

HOUSE BILL 2106. Having been reproduced, was taken up and read by title a second time.

Representative Smith offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2106 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Renewable Fuels Development Program Act is amended by changing Sections 15, 20, and 25 and by adding Sections 15.1, 15.2, and 15.3 as follows:

(20 ILCS 689/15)

Sec. 15. Illinois Renewable Fuels Development Program.

(a) The Department must develop and administer the Illinois Renewable Fuels Development Program to assist in the construction, modification, alteration, or retrofitting of renewable fuel plants in Illinois. The recipient of a grant under this Section must:

(1) be constructing, modifying, altering, or retrofitting a plant in the State of Illinois;

(2) be constructing, modifying, altering, or retrofitting a plant that has annual production capacity of no less than 30,000,000 gallons of renewable fuel per year; and

(3) enter into a project labor agreement as prescribed by Section 25 of this Act.

(b) Grant applications must be made on forms provided by and in accordance with procedures established by the Department.

(c) The Department must give preference to applicants that use Illinois agricultural products in the production of renewable fuel at the plant for which the grant is being requested.

(d) Facilities that produce ethanol for gasohol or majority blended ethanol fuel shall receive a grant equal to 10 cents per gallon of annual production capacity, not to exceed $10,000,000 for each facility.

(Source: P.A. 93-15, eff. 6-11-03.)

(20 ILCS 689/15.1 new)

Sec. 15.1. Renewable Fuels Majority Blended Ethanol Infrastructure Program. The Department shall establish and administer the Renewable Fuels Majority Blended Ethanol Program to encourage the construction, installation, and marketing of majority blended ethanol, as defined in Section 3-44 of the Use Tax Act. The Renewable Fuels Majority Blended Ethanol Program shall provide financial assistance for units of local government and petroleum distribution centers to install the necessary infrastructure for the use of majority blended ethanol.

The Department shall establish the program for the purpose of providing grants to units of local government and motor fuel delivering suppliers, as defined in Section 5-5 of the Gas Use Tax Law, that operate or will be operating majority blended ethanol fueling distribution infrastructure. A unit of local government applying for a grant under this program shall receive a matching grant equaling 50% of the total cost of installation of a majority blended ethanol distribution pump, but not to exceed $40,000. Delivering suppliers shall be eligible to receive a matching grant equal to 50% the cost of installation per pump location, but not to exceed a total of $250,000 in grants annually for each delivering supplier for locations in the supplier's ownership and control. The Department shall adopt necessary rules and forms for the implementation of this Section.

(20 ILCS 689/15.2 new)

Sec. 15.2. Renewable Fuels Competitive Commercialization Program. The Department shall develop and administer the Renewable Fuels Competitive Commercialization Program to coordinate renewable fuel research and distribution of grant funds to bring the State to the forefront of renewable fuel development. The Renewable Fuels Competitive Commercialization Grant Oversight Committee is established to review the grants and make recommendations to the Director for awarding grants. The oversight committee shall be comprised of 9 members. The members shall be appointed as follows: the Director, or his or her designee; the Speaker of the House of Representatives; the President of the Senate; the Minority Leader of the House of Representatives; the Minority Leader of the Senate; and one member representing each of the following, to be appointed by the Director:

(1) a general statewide agricultural association;

(2) an association representing producers of corn;

(3) an association representing producers of soybeans; and

(4) renewable fuels production facilities.

The Department shall solicit proposals for grants that provide funds for projects, including but limited not to, adding value to bio-fuel co-products (such as Distillers Dried Grain with solubles (DDGs)), increasing vehicle mileage, and reducing the water usage in manufacturing bio-fuel to increase the competitiveness of renewable fuels produced in the State. Preference shall be given to projects in partnership with industry or for project pilot scale demonstrations that advance the State's leadership in the development of a bio-based economy.

(20 ILCS 689/15.3 new)

Sec. 15.3. Renewable Fuels Rail Infrastructure Assistance Program. The Department shall establish and administer the Renewable Fuels Rail Infrastructure Assistance Program to assist in the construction and installation of (i) railroad side track and turnouts to provide rail service to renewable fuels facilities, (ii) side track and turnouts for railroad storage and collection areas for renewable fuels and renewable fuel inputs, and (iii) side track, turnouts, and other necessary infrastructure for renewable fuel and renewable fuel co-products container shipping. Only one grant for the purpose stated under item (iii) of this Section shall be awarded each year. Grant applications shall be submitted on forms prescribed by the Department.

(20 ILCS 689/20)

Sec. 20. Grants. Subject to appropriation, the Director is authorized to award Renewable Fuels Development Program Fund grants to eligible applicants. The annual aggregate amount of grants awarded under this Section is subject to the following limits:

(1) grants awarded under the Illinois Renewable Fuels Development Program ~~awarded~~ shall not exceed $30,000,000 annually in fiscal years 2008, 2009, and 2010 and $15,000,000 thereafter; no more than $5,000,000 annually of these grant funds may be used for a bio-diesel plant; ~~$20,000,000.~~

(2) grants awarded under the Renewable Fuels Majority Blended Ethanol Infrastructure Program shall not exceed $3,500,000 annually for fiscal years 2008 through 2014;

(3) grants awarded under the Renewable Fuels Competitive Commercialization Program shall not exceed $1,000,000 annually in fiscal years 2008, 2009, 2010, and 2011; and

(4) grants awarded under the Renewable Fuels Rail Infrastructure Assistance Program shall not exceed $5,000,000 annually for fiscal years 2008 through 2012.

(Source: P.A. 93-15, eff. 6-11-03; 93-618, eff. 12-11-03; 94-839, eff. 6-6-06.)

Section 10. The State Finance Act is amended by adding Section 5.675 and 6z-70 as follows:

(30 ILCS 105/5.675 new)

Sec. 5.675. The Renewable Fuels Development Program Fund.

(30 ILCS 105/6z-70 new)

Sec. 6z-70. Renewable Fuels Development Program Fund. The Renewable Fuels Development Program Fund is created as a special fund in the State treasury. Moneys in the Fund may be used by the Department of Commerce and Economic Opportunity, subject to appropriation, for the Illinois Renewable Fuels Development Program, the Renewable Fuels Majority Blended Ethanol Infrastructure Program, the Renewable Fuels Competitive Commercialization Program, the Renewable Fuels Rail Infrastructure Assistance Program, and other renewable energy programs as set forth in Section 20 of the Illinois Renewable Fuels Development Program Act.

Moneys received for the purposes of this Section, including, without limitation, fund transfers, gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

The State Comptroller and State Treasurer shall automatically transfer on the last day of each month, beginning on July 30, 2007, from the General Revenue Fund to the Renewable Fuels Development Program Fund, an amount equal to one twelfth of the amount set forth below in each of the specified fiscal years:

| Fiscal Year | Amount |
|---|---|
| 2008 through 2010 | $39,500,000 |
| 2011 | $24,500,000 |
| 2012 | $23,500,000 |
| 2013 and 2014 | $18,500,000 |
| 2015 | $15,000,000 |

There shall be deposited into the Renewable Fuels Development Program Fund such bond proceeds and other moneys as may, from time to time, be provided by law.

Section 99. Effective date. This Act takes effect on July 1, 2007.".

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 1406. Having been recalled on March 15, 2007, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

HOUSE BILL 617. Having been recalled on March 29, 2007, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 1234.

## RECALL

At the request of the principal sponsor, Representative Saviano, HOUSE BILL 126 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

## HOUSE BILLS ON SECOND READING

HOUSE BILL 126. Having been reproduced, was taken up and read by title a second time.

Representative Saviano offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 126 on page 2, immediately below line 5, by inserting the following:

"Section 10. The Podiatric Medical Practice Act of 1987 is amended by changing Sections 3, 5, 6, 7, 10, 11.5, 12, 14, 18, 21, 24, 25, 26, 27, 30, 31, 32, 33, 34, 35, 38, and 41 as follows:

(225 ILCS 100/3) (from Ch. 111, par. 4803)

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

Sec. 3. Exceptions. This Act does not prohibit:

(A) Any person licensed to practice medicine and surgery in all of its branches in this State under the Medical Practice Act of 1987 from engaging in the practice for which he or she is licensed.

(B) The practice of podiatric medicine by a person who is employed by the United States government or any bureau, division or agency thereof while in the discharge of the employee's official duties.

(C) The practice of podiatric medicine that is included in their program of study by students enrolled in any approved college of podiatric medicine or in refresher courses approved by the Department.

(D) The practice of podiatric medicine by one who has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a podiatric physician and has complied with all the provisions under Section 10 ~~9~~ of this Act, except the passing of an examination to be eligible to receive such license, until the decision of the Department that the applicant has failed to pass the next available examination authorized by the Department or has failed to take the next available examination authorized by the Department, or the withdrawal of the application.

(E) The practice of podiatric medicine by one who is a podiatric physician under the laws of another state, territory of the United States or country as described in Section 18 of this Act, and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a podiatric physician and who is qualified to receive such license under Section 13 or Section 9, until:

(1) the expiration of 6 months after the filing of such written application,

(2) the withdrawal of such application, or

(3) the denial of such application by the Department.

(F) The provision of emergency care without fee by a podiatric physician assisting in an emergency as provided in Section 4.

An applicant for a license to practice podiatric medicine, practicing under the exceptions set forth in paragraphs (D) or (E), may use the title podiatric physician, podiatrist, doctor of podiatric medicine, or chiropodist as set forth in Section 5 of this Act.

(Source: P.A. 90-14, eff. 7-1-97; 90-76, eff. 12-30-97.)

(225 ILCS 100/5) (from Ch. 111, par. 4805)

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

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

(A) "Department" means the Department of Financial and Professional Regulation.

(B) "Secretary" ~~"Director"~~ means the Secretary ~~Director~~ of Financial and Professional Regulation.

(C) "Board" means the Podiatric Medical Licensing Board appointed by the Secretary ~~Director~~.

(D) "Podiatric medicine" or"podiatry" means the diagnosis, medical, physical, or surgical treatment of the ailments of the human foot, including amputations; provided that amputations of the human foot are limited to 10 centimeters proximal to the tibial talar articulation. "Podiatric medicine" or "podiatry" includes the provision of topical and local anesthesia and moderate and deep sedation, as defined by Department rule adopted under the Medical Practice Act of 1987 ~~with the exception of administration of general anesthetics and the amputation of the human foot~~. For the purposes of this Act, the terms podiatric medicine, podiatry and chiropody have the same definition.

(E) "Human foot" means the ankle and soft tissue which insert into the foot as well as the foot.

(F) "Podiatric physician" means a physician licensed to practice podiatric medicine.

(G) "Postgraduate training" means a minimum one year postdoctoral structured and supervised educational experience approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association which includes residencies and preceptorships.

(Source: P.A. 90-76, eff. 12-30-97.)

(225 ILCS 100/6) (from Ch. 111, par. 4806)

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

Sec. 6. Powers and duties of the Department. The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing acts and shall exercise such other powers and duties conferred by this Act.

The Secretary ~~Director~~ may promulgate rules consistent with the provisions of this Act, for the administration and enforcement thereof and may prescribe forms that shall be issued in connection therewith.

(Source: P.A. 90-76, eff. 12-30-97.)

(225 ILCS 100/7) (from Ch. 111, par. 4807)

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

Sec. 7. Creation of the Board. The Secretary ~~Director~~ shall appoint a Podiatric Medical Licensing Board as follows: 5 members must be actively engaged in the practice of podiatric medicine in this State for a minimum of 3 years and one member must be a member of the general public who is not licensed under this Act or a similar Act of another jurisdiction.

Members shall serve 3 year terms and serve until their successors are appointed and qualified. No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 8 successive years.

A majority of Board members currently appointed shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise the rights and perform all of the duties of the Board.

In making appointments to the Board the Secretary ~~Director~~ shall give due consideration to recommendations by the Illinois Podiatric Medical Association and shall promptly give due notice to the Illinois Podiatric Medical Association of any vacancy in the membership of the Board.

Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term.

The Board shall annually elect a chairperson and vice-chairperson.

The membership of the Board should reasonably reflect representation from the geographic areas in this State.

Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings

or other activities performed in good faith as members of the Board.

The members of the Board may ~~shall each~~ receive as compensation a reasonable sum as determined by the Secretary ~~Director~~ for each day actually engaged in the duties of the office, and all legitimate and necessary expenses incurred in attending the meetings of the Board.

The Secretary ~~Director~~ may terminate the appointment of any member for cause that in the opinion of the Secretary ~~Director~~ reasonably justifies such termination.

The Secretary ~~Director~~ shall consider the recommendations of the Board on questions involving standards of professional conduct, discipline, and qualifications of candidates and licensees under this Act.

Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made in the response. The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act.

(Source: P.A. 90-76, eff. 12-30-97.)

(225 ILCS 100/10) (from Ch. 111, par. 4810)

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

Sec. 10. Qualifications for licensure. A person shall be qualified for licensure as a podiatric physician:

(A) who has applied for licensure on forms prepared and furnished by the Department;

(B) who is at least 21 years of age;

(C) who has not engaged in or is not engaged in any practice or conduct that constitutes grounds for discipline under this Act, including without limitation grounds set forth in Section 24 of this Act, or rules adopted under this Act ~~is of good moral character. In determining moral character under this Section, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as a bar to licensure~~;

(D) who is a graduate of an approved college of podiatric medicine and has attained the academic degree of doctor of podiatric medicine (D.P.M.);

(E) who has successfully completed an examination authorized by the Department; and

(F) who has successfully completed a minimum of one year postgraduate training as defined in Section 5 of this Act. The postgraduate training requirement shall be effective July 1, 1992.

(Source: P.A. 89-387, eff. 8-20-95; 90-76, eff. 12-30-97.)

(225 ILCS 100/11.5)

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

Sec. 11.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice podiatry without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $10,000 ~~$5,000~~ for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

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

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

(Source: P.A. 89-474, eff. 6-18-96.)

(225 ILCS 100/12) (from Ch. 111, par. 4812)

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

Sec. 12. Temporary license; qualifications and terms.

(A) Podiatric physicians otherwise qualified for licensure, with the exception of completion of one year of postgraduate training and the exception of the successful completion of the written practical examination required under Section 10, may be granted a one year temporary license to practice podiatric medicine provided that the applicant can demonstrate that he or she has been accepted and is enrolled in a recognized postgraduate training program during the period for which the temporary license is sought. Such temporary licenses shall be valid for one year from the date of issuance for the practice site issued and may be renewed once. In addition, an applicant may request a one-year extension pursuant to the rules of the Department. Such applicants shall apply in writing on those forms prescribed by the Department and shall submit with the application the required application fee. Other examination fees that may be required under Section 8 must also be paid by temporary licensees.

(B) Application for visiting professor permits shall be made to the Department in writing on forms

prescribed by the Department and be accompanied by the required fee. Requirements for a visiting professor permit issued under this Section shall be determined by the Department by rule. Visiting professor permits shall be valid for one year from the date of issuance or until such time as the faculty appointment is terminated, whichever occurs first, and may be renewed once.
(Source: P.A. 90-76, eff. 12-30-97.)

(225 ILCS 100/14) (from Ch. 111, par. 4814)

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

Sec. 14. Continuing education requirement. Podiatric physicians licensed to practice in Illinois shall, as a requirement for renewal of license, complete continuing education at the rate of at least 50 ~~25~~ hours per year. Such hours shall be earned (1) from courses offered by sponsors validated by the Illinois Podiatric Medical Association Continuing Education Committee and approved by the Podiatric Medical Licensing Board; or (2) by continuing education activities as defined in the rules of the Department. Podiatric physicians shall, at the request of the Department, provide proof of having met the requirements of continuing education under this Section. The Department shall by rule provide an orderly process for the reinstatement of licenses which have not been renewed due to the licensee's failure to meet requirements of this Section. The requirements of continuing education may be waived by the Secretary ~~Director~~, upon recommendation by the Board, in whole or in part for such good cause, including but not limited to illness or hardship, as defined by the rules of the Department.

The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants; by requiring the filing of continuing education certificates with the Department; or by other means established by the Department.
(Source: P.A. 92-750, eff. 1-1-03.)

(225 ILCS 100/18) (from Ch. 111, par. 4818)

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

Sec. 18. Fees.

(a) The following fees are not refundable.

(1) The fee for a certificate of licensure is $400. The fee for a temporary permit or Visiting Professor permit under Section 12 of this Act is $250.

(2) In addition, applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(3) The fee for the renewal of a certificate of licensure shall be calculated at the rate of $200 per year. The fee for the renewal of a temporary permit or Visiting Professor permit shall be calculated at the rate of $125 per year.

(4) The fee for the restoration of a certificate of licensure other than from inactive status is $100 plus payment of all lapsed renewal fees, but not to exceed $910.

(5) The fee for the issuance of a duplicate certificate of licensure, for the issuance of a replacement certificate for a certificate which has been lost or destroyed or for the issuance of a certificate with a change of name or address other than during the renewal period is $20. No fee is required for name and address changes on Department records when no duplicate certificate is issued.

(6) The fee for a certification of a licensee's record for any purpose is $20.

(7) The fee to have the scoring of an examination administered by the Department reviewed and verified is $20 plus any fees charged by the applicable testing service.

(8) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificates.

(9) The fee for a roster of persons licensed as podiatric physicians in this State shall be the actual cost of producing such a roster.

(10) The annual fee for continuing education sponsors is $1,000, however colleges, universities and State agencies shall be exempt from payment of this fee.

(b) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to

the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Secretary ~~Director~~ may waive the fines due under this Section in individual cases where the Secretary ~~Director~~ finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 100/21) (from Ch. 111, par. 4821)

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

Sec. 21. Advertising.

(A) Any podiatric physician may advertise the availability of podiatric medical services in the public media or on the premises where such services are rendered. Such advertising shall be limited to the following information:

(a) the podiatric medical services available;

(b) publication of the podiatric physician's name, title, office hours, address and telephone;

(c) information pertaining to areas of practice specialization, including appropriate board certification as approved by the Board in accordance with the rules for the administration of this Act or limitation of professional practice;

(d) information on usual and customary fees for routine podiatric medical services offered, which information shall include notification that fees may be adjusted due to complications or unforeseen circumstances;

(e) announcement of the opening of, change of, absence from, or return to business;

(f) announcement of additions to or deletions from professional podiatric staff;

(g) the issuance of business or appointment cards;

(h) other information about the podiatric physician, podiatric practice or the types of podiatric services that the podiatric physician offers to perform that a reasonable person might regard as relevant in determining whether to seek the podiatric physician's services.

(B) It is unlawful for any podiatric physician licensed under this Act:

(1) to use ~~testimonials or~~ claims of superior quality of care to entice the public;

(2) to advertise in any way to practice podiatric medicine without causing pain or deformity; or

(3) to advertise or offer gifts as an inducement to secure patient patronage.

Podiatric physicians may advertise or offer free examinations or free podiatric medical services; it shall be unlawful, however, for any podiatric physician to charge a fee to any patient or any third party payor for any podiatric medical service provided at the time that such free examination or free podiatric medical services are provided.

(C) This Act does not authorize the advertising of podiatric medical services when the offeror of such services is not a podiatric physician. Nor shall the podiatric physician use statements that contain false, fraudulent, deceptive or misleading material or guarantees of success, statements that play upon the vanity or fears of the public, or statements that promote or produce unfair competition.

(D) A licensee shall include in every advertisement for services regulated under this Act his or her title as provided by rule or the initials authorized under this Act.

(Source: P.A. 90-76, eff. 12-30-97; 91-310, eff. 1-1-00.)

(225 ILCS 100/24) (from Ch. 111, par. 4824)

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

Sec. 24. Grounds for disciplinary action. ~~Refusal to issue or suspension or revocation of license; grounds.~~ The Department may refuse to issue, may refuse to renew, may refuse to restore, may suspend, or may revoke any license, or may place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed $10,000 ~~$5,000~~ for each violation upon anyone licensed under this Act for any of the following reasons:

(1) Making a material misstatement in furnishing information to the Department.

(2) Violations of this Act, or of the rules or regulations promulgated hereunder.

(3) Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony under the

laws of the ~~any~~ United States or any state or territory of the United States ~~jurisdiction~~ that is ~~a felony or~~ a misdemeanor, of which an essential element is dishonesty, or of any crime that is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining licenses, or violating any provision of this Act or the rules promulgated thereunder pertaining to advertising.

(5) Professional incompetence.

(6) Gross or repeated malpractice or negligence.

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

(8) Failing, within 30 ~~60~~ days, to provide information in response to a written request made by the Department.

(9) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(10) Habitual or excessive use of alcohol, narcotics, stimulants or other chemical agent or drug that results in the inability to practice podiatric medicine with reasonable judgment, skill or safety.

(11) Discipline by another United States jurisdiction if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered. This shall not be deemed to include rent or other remunerations paid to an individual, partnership, or corporation, by a licensee, for the lease, rental or use of space, owned or controlled, by the individual, partnership or corporation.

(13) A finding by the Podiatric Medical Licensing Board that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

(14) Abandonment of a patient.

(15) Willfully making or filing false records or reports in his or her practice, including but not limited to false records filed with state agencies or departments.

(16) Willfully failing to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Report Act.

(17) Physical illness, mental illness, or other impairment, including but not limited to, deterioration through the aging process, or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill or safety.

(18) Solicitation of professional services other than permitted advertising.

(19) The determination by a circuit court that a licensed podiatric physician is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and issues an order so finding and discharging the patient; and upon the recommendation of the Podiatric Medical Licensing Board to the Secretary ~~Director~~ that the licensee be allowed to resume his or her practice.

(20) Holding oneself out to treat human ailments under any name other than his or her own, or the impersonation of any other physician.

(21) Revocation or suspension or other action taken with respect to a podiatric medical license in another jurisdiction that would constitute disciplinary action under this Act.

(22) Promotion of the sale of drugs, devices, appliances or goods provided for a patient in such manner as to exploit the patient for financial gain of the podiatric physician.

(23) Gross, willful, and continued overcharging for professional services including filing false statements for collection of fees for those services, including, but not limited to, filing false statement for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code or other private or public third party payor.

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

(25) Willfully making or filing false records or reports in the practice of podiatric medicine, including, but not limited to, false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(26) (Blank). ~~Mental illness or disability that results in the inability to practice with reasonable judgment,~~

~~skill or safety.~~

(27) Immoral conduct in the commission of any act including, sexual abuse, sexual misconduct, or sexual exploitation, related to the licensee's practice.

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

(29) Failure to report to the Department any adverse final action taken against him or her by another licensing jurisdiction (another state or a territory of the United States or a foreign state or country) by a peer review body, by any health care institution, by a professional society or association related to practice under this Act, by a governmental agency, by a law enforcement agency, or by a court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this Section.

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

Upon receipt of a written communication from the Secretary of Human Services, the Director of Healthcare and Family Services (formerly Director of Public Aid), or the Director of Public Health that continuation of practice of a person licensed under this Act constitutes an immediate danger to the public, the Secretary ~~Director~~ may immediately suspend the license of such person without a hearing. In instances in which the Secretary ~~Director~~ immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Board within 15 days after such suspension and completed without appreciable delay, such hearing held to determine whether to recommend to the Secretary ~~Director~~ that the person's license be revoked, suspended, placed on probationary status or reinstated, or such person be subject to other disciplinary action. In such hearing, the written communication and any other evidence submitted therewith may be introduced as evidence against such person; provided, however, the person or his counsel shall have the opportunity to discredit or impeach such evidence and submit evidence rebutting the same.

Except for fraud in procuring a license, all ~~All~~ proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 5 ~~3~~ years after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described in this Section. Except for the grounds set forth in items (8), (9), (26), and (29) of this Section ~~fraud in procuring a license~~, no action shall be commenced more than 10 ~~5~~ years after the date of the incident or act alleged to have been a violation of this Section. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, such claim, cause of action, or civil action being grounded on the allegation that a person licensed under this Act was negligent in providing care, the Department shall have an additional period of 2 years ~~one year~~ from the date of notification to the Department under Section 26 of this Act of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 24 of this Act, except as otherwise provided by law. The time during which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

In enforcing this Section, the Department or Board upon a showing of a possible violation may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of this examination. Failure of an individual to submit to a mental or physical examination, when directed, shall be grounds for suspension of his or her license until the individual submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department or Board finds an individual unable to practice because of the reasons set forth in this Section, the Department or Board may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department or Board, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Department may file, or the Board may recommend to the Department to file, a complaint to immediately

suspend, revoke, or otherwise discipline the license of the individual. An individual whose license was granted, continued, reinstated, renewed, disciplined or supervised subject to such terms, conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary ~~Director~~ for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Secretary ~~Director~~ immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 30 ~~15~~ days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the subject individual's record of treatment and counseling regarding the impairment to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

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

(Source: P.A. 89-507, eff. 7-1-97; 90-76, eff. 12-30-97; revised 12-15-05.)

(225 ILCS 100/25) (from Ch. 111, par. 4825)

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

Sec. 25. Violations - Injunction - Cease and desist order. A. If any person violates the provision of this Act, the Secretary ~~Director~~ may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, petition, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in such court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

B. If any person shall practice as a podiatric physician or hold himself out as a podiatric physician without being licensed under the provisions of this Act then any licensed podiatric physician, any interested party or any person injured thereby may, in addition to the Secretary ~~Director~~, petition for relief as provided in subsection A of this Section.

C. Whenever in the opinion of the Department any person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued forthwith.

(Source: P.A. 85-918.)

(225 ILCS 100/26) (from Ch. 111, par. 4826)

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

Sec. 26. Reports relating to professional conduct and capacity.

(A) The Board shall by rule provide for the reporting to it of all instances in which a podiatric physician licensed under this Act who is impaired by reason of age, drug or alcohol abuse or physical or mental impairment, is under supervision and, where appropriate, is in a program of rehabilitation. Reports shall be strictly confidential and may be reviewed and considered only by the members of the Board, or by authorized staff of the Department as provided by the rules of the Board. Provisions shall be made for the periodic report of the status of any such podiatric physician not less than twice annually in order that the Board shall have current information upon which to determine the status of any such podiatric physician. Such initial and periodic reports of impaired physicians shall not be considered records within the meaning of the State Records Act and shall be disposed of, following a determination by the Board that such reports are no longer required, in a manner and at such time as the Board shall determine by rule. The filing of such reports shall be construed as the filing of a report for the purposes of subsection (C) of this Section. Failure to file a report under this Section shall be a Class A misdemeanor.

(A-5) The following persons and entities shall report to the Department or the Board in the instances and under the conditions set forth in this subsection (A-5):

(1) Any administrator or officer of any hospital, nursing home or other health care agency or facility who has knowledge of any action or condition which reasonably indicates to him or her that a licensed podiatric physician practicing in such hospital, nursing home or other health care agency or facility is habitually intoxicated or addicted to the use of habit forming drugs, or is otherwise impaired, to the extent that such intoxication, addiction, or impairment adversely affects such podiatric physician's professional performance, or has knowledge that reasonably indicates to him or her that any

podiatric physician unlawfully possesses, uses, distributes or converts habit-forming drugs belonging to the hospital, nursing home or other health care agency or facility for such podiatric physician's own use or benefit, shall promptly file a written report thereof to the Department. The report shall include the name of the podiatric physician, the name of the patient or patients involved, if any, a brief summary of the action, condition or occurrence that has necessitated the report, and any other information as the Department may deem necessary. The Department shall provide forms on which such reports shall be filed.

(2) The president or chief executive officer of any association or society of podiatric physicians licensed under this Act, operating within this State shall report to the Board when the association or society renders a final determination relating to the professional competence or conduct of the podiatric physician.

(3) Every insurance company that offers policies of professional liability insurance to persons licensed under this Act, or any other entity that seeks to indemnify the professional liability of a podiatric physician licensed under this Act, shall report to the Board the settlement of any claim or cause of action, or final judgment rendered in any cause of action that alleged negligence in the furnishing of medical care by such licensed person when such settlement or final judgement is in favor of the plaintiff.

(4) The State's Attorney of each county shall report to the Board all instances in which a person licensed under this Act is convicted or otherwise found guilty of the commission of any felony.

(5) All agencies, boards, commissions, departments, or other instrumentalities of the government of the State of Illinois shall report to the Board any instance arising in connection with the operations of such agency, including the administration of any law by such agency, in which a podiatric physician licensed under this Act has either committed an act or acts that may be a violation of this Act or that may constitute unprofessional conduct related directly to patient care or that indicates that a podiatric physician licensed under this Act may be mentally or physically disabled in such a manner as to endanger patients under that physician's care.

(B) All reports required by this Act shall be submitted to the Board in a timely fashion. The reports shall be filed in writing within 60 days after a determination that a report is required under this Act. All reports shall contain the following information:

(1) The name, address and telephone number of the person making the report.

(2) The name, address and telephone number of the podiatric physician who is the subject of the report.

(3) The name or other means of identification of any patient or patients whose treatment is a subject of the report, provided, however, no medical records may be revealed without the written consent of the patient or patients.

(4) A brief description of the facts that gave rise to the issuance of the report, including the dates of any occurrences deemed to necessitate the filing of the report.

(5) If court action is involved, the identity of the court in which the action is filed, along with the docket number and date of filing of the action.

(6) Any further pertinent information that the reporting party deems to be an aid in the evaluation of the report.

Nothing contained in this Section shall waive or modify the confidentiality of medical reports and committee reports to the extent provided by law. Any information reported or disclosed shall be kept for the confidential use of the Board, the Board's attorneys, the investigative staff and other authorized Department staff, as provided in this Act, and shall be afforded the same status as is provided information concerning medical studies in Part 21 of Article VIII of the Code of Civil Procedure.

(C) Any individual or organization acting in good faith, and not in a willful and wanton manner, in complying with this Act by providing any report or other information to the Board, or assisting in the investigation or preparation of such information, or by participating in proceedings of the Board, or by serving as a member of the Board, shall not, as a result of such actions, be subject to criminal prosecution or civil damages.

(D) Members of the Board, the Board's attorneys, the investigative staff, other podiatric physicians retained under contract to assist and advise in the investigation, and other authorized Department staff shall be indemnified by the State for any actions occurring within the scope of services on the Board, done in good faith and not willful and wanton in nature. The Attorney General shall defend all such actions unless he or she determines either that he or she would have a conflict of interest in such representation or that the actions complained of were not in good faith or were willful and wanton.

Should the Attorney General decline representation, the member shall have the right to employ counsel of his or her choice, whose fees shall be provided by the State, after approval by the Attorney General, unless there is a determination by a court that the member's actions were not in good faith or were wilful and wanton. The member must notify the Attorney General within 7 days of receipt of notice of the initiation of any action involving services of the Board. Failure to so notify the Attorney General shall constitute an absolute waiver of the right to a defense and indemnification. The Attorney General shall determine within 7 days after receiving such notice, whether he or she will undertake to represent the member.

(E) Upon the receipt of any report called for by this Act, other than those reports of impaired persons licensed under this Act required pursuant to the rules of the Board, the Board shall notify in writing, by certified mail, the podiatric physician who is the subject of the report. Such notification shall be made within 30 days of receipt by the Board of the report.

The notification shall include a written notice setting forth the podiatric physician's right to examine the report. Included in such notification shall be the address at which the file is maintained, the name of the custodian of the reports, and the telephone number at which the custodian may be reached. The podiatric physician who is the subject of the report shall be permitted to submit a written statement responding, clarifying, adding to, or proposing the amending of the report previously filed. The statement shall become a permanent part of the file and must be received by the Board no more than 30 days after the date on which the podiatric physician was notified of the existence of the original report.

The Board shall review all reports received by it, together with any supporting information and responding statements submitted by persons who are the subject of reports. The review by the Board shall be in a timely manner but in no event shall the Board's initial review of the material contained in each disciplinary file be less than 61 days nor more than 180 days after the receipt of the initial report by the Board.

When the Board makes its initial review of the materials contained within its disciplinary files the Board shall, in writing, make a determination as to whether there are sufficient facts to warrant further investigation or action. Failure to make such determination within the time provided shall be deemed to be a determination that there are not sufficient facts to warrant further investigation or action.

Should the Board find that there are not sufficient facts to warrant further investigation, or action, the report shall be accepted for filing and the matter shall be deemed closed and so reported.

The individual or entity filing the original report or complaint and the podiatric physician who is the subject of the report or complaint shall be notified in writing by the Board of any final action on their report or complaint.

(F) The Board shall prepare on a timely basis, but in no event less than once every other month, a summary report of final disciplinary actions taken upon disciplinary files maintained by the Board. The summary reports shall be made available on the Department's web site ~~sent by the Board to such institutions, associations and individuals as the Director may determine~~.

(G) Any violation of this Section shall be a Class A misdemeanor.

(H) If any such podiatric physician violates the provisions of this Section, an action may be brought in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, for an order enjoining such violation or for an order enforcing compliance with this Section. Upon filing of a verified petition in such court, the court may issue a temporary restraining order without notice or bond and may preliminarily or permanently enjoin such violation, and if it is established that such podiatric physician has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this paragraph shall be in addition to, and not in lieu of, all other remedies and penalties provided for by this Section.

(Source: P.A. 90-14, eff. 7-1-97; 90-76, eff. 12-30-97.)

(225 ILCS 100/27) (from Ch. 111, par. 4827)

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

Sec. 27. Investigations; notice and hearing. The Department may investigate the actions of any applicant or of any person or persons holding or claiming to hold a license. The Department shall, before suspending, revoking, placing on probationary status or taking any other disciplinary action as the Department may deem proper with regard to any licensee, at least 30 days prior to the date set for the hearing, notify the accused in writing of any charges made and the time and place for a hearing of the charges before the Board, direct him or her to file his or her written answer thereto to the Board under oath within 20 days after the service on him or her of such notice and inform her or him that if he or she fails to file such answer default will be taken against him or her and his or her license may be revoked, suspended, placed on

probationary status, or subject to other disciplinary action, including limiting the scope, nature, or extent of his or her practice as the Department may deem proper.

In case the accused person, after receiving notice fails to file an answer, his or her license may, in the discretion of the Secretary ~~Director~~ having received the recommendation of the Board, be suspended, revoked, or placed on probationary status or the Secretary ~~Director~~ may take whatever disciplinary action as he or she may deem proper including limiting the scope, nature, or extent of the accused person's practice without a hearing if the act or acts charged constitute sufficient grounds for such action under this Act.

Such written notice may be served by personal delivery or certified or registered mail to the respondent at the address on record with ~~of his or her last notification to~~ the Department. At the time and placed fixed in the notice, the Board shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence and argument as may be pertinent to the charges or to the defense thereto. The Board may continue such hearing from time to time.
(Source: P.A. 90-76, eff. 12-30-97.)

(225 ILCS 100/30) (from Ch. 111, par. 4830)

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

Sec. 30. Witness; subpoenas. The Department shall have the power to subpoena and bring before it any person in this State and to take testimony, either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

The Secretary ~~Director~~, and any member of the Board, shall each have the power to administer oaths to witnesses at any hearing that the Department is authorized to conduct under this Act, and any other oaths required or authorized to be administered by the Department hereunder.
(Source: P.A. 90-76, eff. 12-30-97.)

(225 ILCS 100/31) (from Ch. 111, par. 4831)

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

Sec. 31. Notice of hearing - Findings and recommendations. At the conclusion of the hearing the Board shall present to the Secretary ~~Director~~ a written report of its findings of fact, conclusions of law, and recommendations. The report shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. The Board shall specify the nature of the violation or failure to comply, and shall make its recommendations to the Secretary ~~Director~~.

The report of findings of fact, conclusions of law and recommendations of the Board shall be the basis for the Department's order or refusal or for the granting of a license. If the Secretary ~~Director~~ disagrees in any regard with the report of the Board, the Secretary ~~Director~~ may issue an order in contravention thereof. The Secretary ~~Director~~ shall provide a written report to the Board on any deviation, and shall specify with particularity the reasons for such action in the final order. The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and finding are not a bar to a criminal prosecution brought for the violation of this Act.
(Source: P.A. 85-918.)

(225 ILCS 100/32) (from Ch. 111, par. 4832)

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

Sec. 32. Board - Rehearing. In any case involving the refusal to issue, renew or discipline of a license, a copy of the Board's report shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which motion shall specify the particular grounds therefor.

If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial the Secretary ~~Director~~ may enter an order in accordance with recommendations of the Board except as provided in Section 31 of this Act. If the respondent shall order from the reporting service, and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.
(Source: P.A. 85-918.)

(225 ILCS 100/33) (from Ch. 111, par. 4833)

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

Sec. 33. Secretary ~~Director~~ - Rehearing. Whenever the Secretary ~~Director~~ is satisfied that substantial justice has not been done in the revocation, suspension or refusal to issue or renew a license, the Secretary

~~Director~~ may order a rehearing by the same or another hearing officer or Board.
(Source: P.A. 85-918.)

(225 ILCS 100/34) (from Ch. 111, par. 4834)

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

Sec. 34. Appointment of a hearing officer. Notwithstanding the provisions of Section 32 of this Act, the Secretary ~~Director~~ shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, renew or discipline of a license.

The Secretary ~~Director~~ shall notify the Board of any such appointment. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law and recommendations to the Board and the Secretary ~~Director~~. The Board shall ~~have 60 days from receipt of the report to~~ review the report of the hearing officer and present their findings of fact, conclusions of law and recommendations to the ~~Board and the~~ Secretary ~~Director~~. ~~The Board shall have 60 days after receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Director.~~ If the Board fails to present its report ~~within the 60 day period~~, the Secretary ~~Director~~ may issue an order based on the report of the hearing officer. If the Secretary ~~Director~~ disagrees in any regard with the report of the Board or hearing officer, he or she may issue an order in contravention thereof. The Secretary ~~Director~~ shall provide an ~~a written~~ explanation to the Board on any such deviation, and shall specify with particularity the reasons for such action in the final order.
(Source: P.A. 90-76, eff. 12-30-97.)

(225 ILCS 100/35) (from Ch. 111, par. 4835)

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

Sec. 35. Order or certified copy; prima facie proof. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Secretary ~~Director~~, shall be prima facie proof that:

(a) the signature is the genuine signature of the Secretary ~~Director~~;

(b) the Secretary ~~Director~~ is duly appointed and qualified; and

(c) the Board and the members thereof are qualified to act.
(Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 100/38) (from Ch. 111, par. 4838)

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

Sec. 38. Temporary suspension of a license. The Secretary ~~Director~~ may temporarily suspend the license of a podiatric physician without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 27 of this Act, if the Secretary ~~Director~~ finds that evidence in his or her possession indicates that a podiatric physician's continuation in practice would constitute an imminent danger to the public. In the event that the Secretary ~~Director~~ suspends, temporarily, this license of a podiatric physician without a hearing, a hearing by the Board must be held within 30 days after such suspension has occurred and shall be concluded without appreciable delay.
(Source: P.A. 90-76, eff. 12-30-97.)

(225 ILCS 100/41) (from Ch. 111, par. 4841)

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

Sec. 41. Violations. Any person who is found to have violated any provisions of this Act is guilty of a Class A misdemeanor. All criminal fines, monies, or other property collected or received by the Department under this Section or any other State or federal statute, including, but not limited to, property forfeited to the Department under Section 505 of The Illinois Controlled Substances Act or Section 85 of the Methamphetamine Control and Community Protection Act, shall be deposited into the Professional Regulation Evidence Fund.

The Board, with the advice of the Secretary ~~Director~~ and attorneys for the Department, may establish by rule a schedule of fines payable by those who have violated any provisions of this Act.

Fines assessed and collected for violations of this Act shall be deposited in the Illinois State Podiatric Medical Disciplinary Fund.
(Source: P.A. 94-556, eff. 9-11-05.)

(225 ILCS 100/13 rep.)

Section 15. The Podiatric Medical Practice Act of 1987 is amended by repealing Section 13.".

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

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

Representative Lindner offered the following amendment and moved its adoption:

AMENDMENT NO. 2 . Amend House Bill 226 by replacing everything after the enacting clause with the following:

"Section 5. The Motor Fuel Sales Act is amended by changing Section 2 as follows:

(815 ILCS 365/2) (from Ch. 121 1/2, par. 1502)

Sec. 2. Assistance at stations with self-service and full-service islands.

(a) Any attendant on duty at a gasoline station or service station offering to the public retail sales of motor fuel at both self-service and full-service islands ~~described in Section 1~~ shall, upon request, dispense motor fuel for the driver of a car which is parked at a self-service island and displays: (1) ~~(a)~~ registration plates issued to a physically disabled person pursuant to Section 3-616 of the Illinois Vehicle Code; or (2) ~~(b)~~ registration plates issued to a disabled veteran pursuant to Section 3-609 of such Code; or (3) ~~(c)~~ a special decal or device issued pursuant to Section 11-1301.2 of such Code; and shall only charge such driver prices as offered to the general public for motor fuel dispensed at the self-service island. However, such attendant shall not be required to perform other services which are offered at the full-service island.

(b) Gasoline stations and service stations in this State are subject to the federal Americans with Disabilities Act and must:

(1) provide refueling assistance upon the request of an individual with a disability; (A gasoline station or service station is not required to provide such service at any time that it is operating on a remote control basis with a single employee, but is encouraged to do so, if feasible.)

(2) let patrons know, through appropriate signs, that customers with disabilities can obtain refueling assistance by either honking or otherwise signaling an employee; and

(3) provide the refueling assistance without any charge beyond the self-serve price.

(c) The signage required under paragraph (2) of subsection (b) shall be designated by the station owner and shall be posted in a prominently visible place. The sign shall be clearly visible to customers.

(d) The Secretary of State shall provide to persons with disabilities information regarding the availability of refueling assistance under this Section by the following methods:

(1) by posting information about that availability on the Secretary of State's Internet website, along with a link to the Department of Human Services website; and

(2) by publishing a brochure containing information about that availability, which shall be made available at all Secretary of State offices throughout the State.

(e) The Department of Human Services shall post on its Internet website information regarding the availability of refueling assistance for persons with disabilities and the addresses and telephone numbers of all gasoline and service stations in Illinois.

(f) A person commits a Class C misdemeanor if he or she telephones a gasoline station or service station to request refueling assistance and he or she:

(1) is not actually physically present at the gasoline or service station; or

(2) is physically present at the gasoline or service station but does not actually require refueling assistance.

(g) The Department of Transportation shall work in cooperation with appropriate representatives of gasoline and service station trade associations and the petroleum industry to increase the signage at gasoline and service stations on interstate highways in this State with regard to the availability of refueling assistance for persons with disabilities.

(Source: P.A. 84-877.)

(815 ILCS 365/1 rep.)

Section 10. The Motor Fuel Sales Act is amended by repealing Section 1.".

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.

## RECALL

At the request of the principal sponsor, Representative Fritchey, HOUSE BILL 317 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

## HOUSE BILLS ON SECOND READING

HOUSE BILL 317. Having been reproduced, was taken up and read by title a second time.

Floor Amendment No. 3 remained in the Committee on Human Services.

Representative Fritchey offered the following amendment and moved its adoption:

AMENDMENT NO. 4. Amend House Bill 317, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 2. The Medical Practice Act of 1987 is amended by changing Sections 22 and 23 as follows:

(225 ILCS 60/22) (from Ch. 111, par. 4400-22)

(Section scheduled to be repealed on December 31, 2008)

Sec. 22. Disciplinary action.

(A) The Department may revoke, suspend, place on probationary status, refuse to renew, or take any other disciplinary action as the Department may deem proper with regard to the license or visiting professor permit of any person issued under this Act to practice medicine, or to treat human ailments without the use of drugs and without operative surgery upon any of the following grounds:

(1) Performance of an elective abortion in any place, locale, facility, or institution other than:

(a) a facility licensed pursuant to the Ambulatory Surgical Treatment Center Act;

(b) an institution licensed under the Hospital Licensing Act; or

(c) an ambulatory surgical treatment center or hospitalization or care facility maintained by the State or any agency thereof, where such department or agency has authority under law to establish and enforce standards for the ambulatory surgical treatment centers, hospitalization, or care facilities under its management and control; or

(d) ambulatory surgical treatment centers, hospitalization or care facilities maintained by the Federal Government; or

(e) ambulatory surgical treatment centers, hospitalization or care facilities maintained by any university or college established under the laws of this State and supported principally by public funds raised by taxation.

(2) Performance of an abortion procedure in a wilful and wanton manner on a woman who was not pregnant at the time the abortion procedure was performed.

(3) The conviction of a felony in this or any other jurisdiction, except as otherwise provided in subsection B of this Section, whether or not related to practice under this Act, or the entry of a guilty or nolo contendere plea to a felony charge.

(4) Gross negligence in practice under this Act.

(5) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(6) Obtaining any fee by fraud, deceit, or misrepresentation.

(7) Habitual or excessive use or abuse of drugs defined in law as controlled substances, of alcohol, or of any other substances which results in the inability to practice with reasonable judgment, skill or safety.

(8) Practicing under a false or, except as provided by law, an assumed name.

(9) Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.

(10) Making a false or misleading statement regarding their skill or the efficacy or

value of the medicine, treatment, or remedy prescribed by them at their direction in the treatment of any disease or other condition of the body or mind.

(11) Allowing another person or organization to use their license, procured under this Act, to practice.

(12) Disciplinary action of another state or jurisdiction against a license or other authorization to practice as a medical doctor, doctor of osteopathy, doctor of osteopathic medicine or doctor of chiropractic, a certified copy of the record of the action taken by the other state or jurisdiction being prima facie evidence thereof.

(13) Violation of any provision of this Act or of the Medical Practice Act prior to the repeal of that Act, or violation of the rules, or a final administrative action of the Secretary, after consideration of the recommendation of the Disciplinary Board.

(14) Dividing with anyone other than physicians with whom the licensee practices in a partnership, Professional Association, limited liability company, or Medical or Professional Corporation any fee, commission, rebate or other form of compensation for any professional services not actually and personally rendered. Nothing contained in this subsection prohibits persons holding valid and current licenses under this Act from practicing medicine in partnership under a partnership agreement, including a limited liability partnership, in a limited liability company under the Limited Liability Company Act, in a corporation authorized by the Medical Corporation Act, as an association authorized by the Professional Association Act, or in a corporation under the Professional Corporation Act or from pooling, sharing, dividing or apportioning the fees and monies received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the Board of Directors of the corporation or association. Nothing contained in this subsection prohibits 2 or more corporations authorized by the Medical Corporation Act, from forming a partnership or joint venture of such corporations, and providing medical, surgical and scientific research and knowledge by employees of these corporations if such employees are licensed under this Act, or from pooling, sharing, dividing, or apportioning the fees and monies received by the partnership or joint venture in accordance with the partnership or joint venture agreement. Nothing contained in this subsection shall abrogate the right of 2 or more persons, holding valid and current licenses under this Act, to each receive adequate compensation for concurrently rendering professional services to a patient and divide a fee; provided, the patient has full knowledge of the division, and, provided, that the division is made in proportion to the services performed and responsibility assumed by each.

(15) A finding by the Medical Disciplinary Board that the registrant after having his or her license placed on probationary status or subjected to conditions or restrictions violated the terms of the probation or failed to comply with such terms or conditions.

(16) Abandonment of a patient.

(17) Prescribing, selling, administering, distributing, giving or self-administering any drug classified as a controlled substance (designated product) or narcotic for other than medically accepted therapeutic purposes.

(18) Promotion of the sale of drugs, devices, appliances or goods provided for a patient in such manner as to exploit the patient for financial gain of the physician.

(19) Offering, undertaking or agreeing to cure or treat disease by a secret method, procedure, treatment or medicine, or the treating, operating or prescribing for any human condition by a method, means or procedure which the licensee refuses to divulge upon demand of the Department.

(20) Immoral conduct in the commission of any act including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice.

(21) Wilfully making or filing false records or reports in his or her practice as a physician, including, but not limited to, false records to support claims against the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

(22) Wilful omission to file or record, or wilfully impeding the filing or recording, or inducing another person to omit to file or record, medical reports as required by law, or wilfully failing to report an instance of suspected abuse or neglect as required by law.

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

(24) Solicitation of professional patronage by any corporation, agents or persons, or

profiting from those representing themselves to be agents of the licensee.

(25) Gross and wilful and continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered, including, but not limited to, filing such false statements for collection of monies for services not rendered from the medical assistance program of the Department of Healthcare and Family Services (formerly Department of Public Aid) under the Illinois Public Aid Code.

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

(27) Mental illness or disability which results in the inability to practice under this Act with reasonable judgment, skill or safety.

(28) Physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill which results in a physician's inability to practice under this Act with reasonable judgment, skill or safety.

(29) Cheating on or attempt to subvert the licensing examinations administered under this Act.

(30) Wilfully or negligently violating the confidentiality between physician and patient except as required by law.

(31) The use of any false, fraudulent, or deceptive statement in any document connected with practice under this Act.

(32) Aiding and abetting an individual not licensed under this Act in the practice of a profession licensed under this Act.

(33) Violating state or federal laws or regulations relating to controlled substances, legend drugs, or ephedra, as defined in the Ephedra Prohibition Act.

(34) Failure to report to the Department any adverse final action taken against them by another licensing jurisdiction (any other state or any territory of the United States or any foreign state or country), by any peer review body, by any health care institution, by any professional society or association related to practice under this Act, by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(35) Failure to report to the Department surrender of a license or authorization to practice as a medical doctor, a doctor of osteopathy, a doctor of osteopathic medicine, or doctor of chiropractic in another state or jurisdiction, or surrender of membership on any medical staff or in any medical or professional association or society, while under disciplinary investigation by any of those authorities or bodies, for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(36) Failure to report to the Department any adverse judgment, settlement, or award arising from a liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for action as defined in this Section.

(37) Failure to transfer copies of medical records as required by law.

(38) Failure to furnish the Department, its investigators or representatives, relevant information, legally requested by the Department after consultation with the Chief Medical Coordinator or the Deputy Medical Coordinator.

(39) Violating the Health Care Worker Self-Referral Act.

(40) Intentional failure to comply with ~~Willful failure to provide notice when notice is required under~~ the Parental Notice of Abortion Act of 1995.

(41) Failure to establish and maintain records of patient care and treatment as required by this law.

(42) Entering into an excessive number of written collaborative agreements with licensed advanced practice nurses resulting in an inability to adequately collaborate and provide medical direction.

(43) Repeated failure to adequately collaborate with or provide medical direction to a licensed advanced practice nurse.

Except for actions involving the ground numbered (26), all proceedings to suspend, revoke, place on probationary status, or take any other disciplinary action as the Department may deem proper, with regard to a license on any of the foregoing grounds, must be commenced within 5 years next after receipt by the Department of a complaint alleging the commission of or notice of the conviction order for any of the acts described herein. Except for the grounds numbered (8), (9), (26), and (29), no action shall be commenced

more than 10 years after the date of the incident or act alleged to have violated this Section. For actions involving the ground numbered (26), a pattern of practice or other behavior includes all incidents alleged to be part of the pattern of practice or other behavior that occurred or a report pursuant to Section 23 of this Act received within the 10-year period preceding the filing of the complaint. In the event of the settlement of any claim or cause of action in favor of the claimant or the reduction to final judgment of any civil action in favor of the plaintiff, such claim, cause of action or civil action being grounded on the allegation that a person licensed under this Act was negligent in providing care, the Department shall have an additional period of 2 years from the date of notification to the Department under Section 23 of this Act of such settlement or final judgment in which to investigate and commence formal disciplinary proceedings under Section 36 of this Act, except as otherwise provided by law. The time during which the holder of the license was outside the State of Illinois shall not be included within any period of time limiting the commencement of disciplinary action by the Department.

The entry of an order or judgment by any circuit court establishing that any person holding a license under this Act is a person in need of mental treatment operates as a suspension of that license. That person may resume their practice only upon the entry of a Departmental order based upon a finding by the Medical Disciplinary Board that they have been determined to be recovered from mental illness by the court and upon the Disciplinary Board's recommendation that they be permitted to resume their practice.

The Department may refuse to issue or take disciplinary action concerning the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied as determined by the Illinois Department of Revenue.

The Department, upon the recommendation of the Disciplinary Board, shall adopt rules which set forth standards to be used in determining:

(a) when a person will be deemed sufficiently rehabilitated to warrant the public trust;

(b) what constitutes dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(c) what constitutes immoral conduct in the commission of any act, including, but not limited to, commission of an act of sexual misconduct related to the licensee's practice; and

(d) what constitutes gross negligence in the practice of medicine.

However, no such rule shall be admissible into evidence in any civil action except for review of a licensing or other disciplinary action under this Act.

In enforcing this Section, the Medical Disciplinary Board, upon a showing of a possible violation, may compel any individual licensed to practice under this Act, or who has applied for licensure or a permit pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physician or physicians shall be those specifically designated by the Disciplinary Board. The Medical Disciplinary Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communication between the licensee or applicant and the examining physician. The individual to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any individual to submit to mental or physical examination, when directed, shall be grounds for suspension of his or her license until such time as the individual submits to the examination if the Disciplinary Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause. If the Disciplinary Board finds a physician unable to practice because of the reasons set forth in this Section, the Disciplinary Board shall require such physician to submit to care, counseling, or treatment by physicians approved or designated by the Disciplinary Board, as a condition for continued, reinstated, or renewed licensure to practice. Any physician, whose license was granted pursuant to Sections 9, 17, or 19 of this Act, or, continued, reinstated, renewed, disciplined or supervised, subject to such terms, conditions or restrictions who shall fail to comply with such terms, conditions or restrictions, or to complete a required program of care, counseling, or treatment, as determined by the Chief Medical Coordinator or Deputy Medical Coordinators, shall be referred to the Secretary for a determination as to whether the licensee shall have their license suspended immediately, pending a hearing by the Disciplinary Board. In instances in which the Secretary immediately suspends a license under this Section, a hearing upon such person's license must be convened by the Disciplinary Board within 15 days after such suspension and completed without appreciable delay. The Disciplinary Board shall have the authority to review the subject physician's record of treatment and counseling

regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

An individual licensed under this Act, affected under this Section, shall be afforded an opportunity to demonstrate to the Disciplinary Board that they can resume practice in compliance with acceptable and prevailing standards under the provisions of their license.

The Department may promulgate rules for the imposition of fines in disciplinary cases, not to exceed $10,000 for each violation of this Act. Fines may be imposed in conjunction with other forms of disciplinary action, but shall not be the exclusive disposition of any disciplinary action arising out of conduct resulting in death or injury to a patient. Any funds collected from such fines shall be deposited in the Medical Disciplinary Fund.

(B) The Department shall revoke the license or visiting permit of any person issued under this Act to practice medicine or to treat human ailments without the use of drugs and without operative surgery, who has been convicted a second time of committing any felony under the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act, or who has been convicted a second time of committing a Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A person whose license or visiting permit is revoked under this subsection B of Section 22 of this Act shall be prohibited from practicing medicine or treating human ailments without the use of drugs and without operative surgery.

(C) The Medical Disciplinary Board shall recommend to the Department civil penalties and any other appropriate discipline in disciplinary cases when the Board finds that a physician intentionally failed to comply with ~~willfully performed an abortion with actual knowledge that the person upon whom the abortion has been performed is a minor or an incompetent person without notice as required under~~ the Parental Notice of Abortion Act of 1995. Upon the Board's recommendation, the Department shall impose, for the first violation, a civil penalty of $1,000 and for a second or subsequent violation, a civil penalty of $5,000.

(Source: P.A. 94-556, eff. 9-11-05; 94-677, eff. 8-25-05; revised 1-3-07.)

(225 ILCS 60/23) (from Ch. 111, par. 4400-23)

(Section scheduled to be repealed on December 31, 2008)

Sec. 23. Reports relating to professional conduct and capacity.

(A) Entities required to report.

(1) Health care institutions. The chief administrator or executive officer of any health care institution licensed by the Illinois Department of Public Health shall report to the Disciplinary Board when any person's clinical privileges are terminated or are restricted based on a final determination, in accordance with that institution's by-laws or rules and regulations, that a person has either committed an act or acts which may directly threaten patient care, and not of an administrative nature, or that a person may be mentally or physically disabled in such a manner as to endanger patients under that person's care. Such officer also shall report if a person accepts voluntary termination or restriction of clinical privileges in lieu of formal action based upon conduct related directly to patient care and not of an administrative nature, or in lieu of formal action seeking to determine whether a person may be mentally or physically disabled in such a manner as to endanger patients under that person's care. The Medical Disciplinary Board shall, by rule, provide for the reporting to it of all instances in which a person, licensed under this Act, who is impaired by reason of age, drug or alcohol abuse or physical or mental impairment, is under supervision and, where appropriate, is in a program of rehabilitation. Such reports shall be strictly confidential and may be reviewed and considered only by the members of the Disciplinary Board, or by authorized staff as provided by rules of the Disciplinary Board. Provisions shall be made for the periodic report of the status of any such person not less than twice annually in order that the Disciplinary Board shall have current information upon which to determine the status of any such person. Such initial and periodic reports of impaired physicians shall not be considered records within the meaning of The State Records Act and shall be disposed of, following a determination by the Disciplinary Board that such reports are no longer required, in a manner and at such time as the Disciplinary Board shall determine by rule. The filing of such reports shall be construed as the filing of a report for purposes of subsection (C) of this Section.

(2) Professional associations. The President or chief executive officer of any association or society, of persons licensed under this Act, operating within this State shall report to the Disciplinary Board when the association or society renders a final determination that a person has committed unprofessional conduct related directly to patient care or that a person may be mentally or physically disabled in such a manner as to endanger patients under that person's care.

(3) Professional liability insurers. Every insurance company which offers policies of professional liability insurance to persons licensed under this Act, or any other entity which seeks to indemnify the professional liability of a person licensed under this Act, shall report to the Disciplinary Board the settlement of any claim or cause of action, or final judgment rendered in any cause of action, which alleged negligence in the furnishing of medical care by such licensed person when such settlement or final judgment is in favor of the plaintiff.

(4) State's Attorneys. The State's Attorney of each county shall report to the Disciplinary Board all instances in which a person licensed under this Act is convicted or otherwise found guilty of the commission of any felony. The State's Attorney of each county may report to the Disciplinary Board through a verified complaint any instance in which the State's Attorney believes that a physician has intentionally failed to comply with ~~willfully violated the notice requirements of~~ the Parental Notice of Abortion Act of 1995.

(5) State agencies. All agencies, boards, commissions, departments, or other instrumentalities of the government of the State of Illinois shall report to the Disciplinary Board any instance arising in connection with the operations of such agency, including the administration of any law by such agency, in which a person licensed under this Act has either committed an act or acts which may be a violation of this Act or which may constitute unprofessional conduct related directly to patient care or which indicates that a person licensed under this Act may be mentally or physically disabled in such a manner as to endanger patients under that person's care.

(B) Mandatory reporting. All reports required by items (34), (35), and (36) of subsection (A) of Section 22 and by Section 23 shall be submitted to the Disciplinary Board in a timely fashion. The reports shall be filed in writing within 60 days after a determination that a report is required under this Act. All reports shall contain the following information:

(1) The name, address and telephone number of the person making the report.

(2) The name, address and telephone number of the person who is the subject of the report.

(3) The name and date of birth of any patient or patients whose treatment is a subject of the report, if available, or other means of identification if such information is not available, identification of the hospital or other healthcare facility where the care at issue in the report was rendered, provided, however, no medical records may be revealed.

(4) A brief description of the facts which gave rise to the issuance of the report, including the dates of any occurrences deemed to necessitate the filing of the report.

(5) If court action is involved, the identity of the court in which the action is filed, along with the docket number and date of filing of the action.

(6) Any further pertinent information which the reporting party deems to be an aid in the evaluation of the report.

The Disciplinary Board or Department may also exercise the power under Section 38 of this Act to subpoena copies of hospital or medical records in mandatory report cases alleging death or permanent bodily injury. Appropriate rules shall be adopted by the Department with the approval of the Disciplinary Board.

When the Department has received written reports concerning incidents required to be reported in items (34), (35), and (36) of subsection (A) of Section 22, the licensee's failure to report the incident to the Department under those items shall not be the sole grounds for disciplinary action.

Nothing contained in this Section shall act to in any way, waive or modify the confidentiality of medical reports and committee reports to the extent provided by law. Any information reported or disclosed shall be kept for the confidential use of the Disciplinary Board, the Medical Coordinators, the Disciplinary Board's attorneys, the medical investigative staff, and authorized clerical staff, as provided in this Act, and shall be afforded the same status as is provided information concerning medical studies in Part 21 of Article VIII of the Code of Civil Procedure, except that the Department may disclose information and documents to a federal, State, or local law enforcement agency pursuant to a subpoena in an ongoing criminal investigation. Furthermore, information and documents disclosed to a federal, State, or local law enforcement agency may be used by that agency only for the investigation and prosecution of a criminal offense.

(C) Immunity from prosecution. Any individual or organization acting in good faith, and not in a wilful and wanton manner, in complying with this Act by providing any report or other information to the Disciplinary Board or a peer review committee, or assisting in the investigation or preparation of such information, or by voluntarily reporting to the Disciplinary Board or a peer review committee information

regarding alleged errors or negligence by a person licensed under this Act, or by participating in proceedings of the Disciplinary Board or a peer review committee, or by serving as a member of the Disciplinary Board or a peer review committee, shall not, as a result of such actions, be subject to criminal prosecution or civil damages.

(D) Indemnification. Members of the Disciplinary Board, the Medical Coordinators, the Disciplinary Board's attorneys, the medical investigative staff, physicians retained under contract to assist and advise the medical coordinators in the investigation, and authorized clerical staff shall be indemnified by the State for any actions occurring within the scope of services on the Disciplinary Board, done in good faith and not wilful and wanton in nature. The Attorney General shall defend all such actions unless he or she determines either that there would be a conflict of interest in such representation or that the actions complained of were not in good faith or were wilful and wanton.

Should the Attorney General decline representation, the member shall have the right to employ counsel of his or her choice, whose fees shall be provided by the State, after approval by the Attorney General, unless there is a determination by a court that the member's actions were not in good faith or were wilful and wanton.

The member must notify the Attorney General within 7 days of receipt of notice of the initiation of any action involving services of the Disciplinary Board. Failure to so notify the Attorney General shall constitute an absolute waiver of the right to a defense and indemnification.

The Attorney General shall determine within 7 days after receiving such notice, whether he or she will undertake to represent the member.

(E) Deliberations of Disciplinary Board. Upon the receipt of any report called for by this Act, other than those reports of impaired persons licensed under this Act required pursuant to the rules of the Disciplinary Board, the Disciplinary Board shall notify in writing, by certified mail, the person who is the subject of the report. Such notification shall be made within 30 days of receipt by the Disciplinary Board of the report.

The notification shall include a written notice setting forth the person's right to examine the report. Included in such notification shall be the address at which the file is maintained, the name of the custodian of the reports, and the telephone number at which the custodian may be reached. The person who is the subject of the report shall submit a written statement responding, clarifying, adding to, or proposing the amending of the report previously filed. The person who is the subject of the report shall also submit with the written statement any medical records related to the report. The statement and accompanying medical records shall become a permanent part of the file and must be received by the Disciplinary Board no more than 30 days after the date on which the person was notified by the Disciplinary Board of the existence of the original report.

The Disciplinary Board shall review all reports received by it, together with any supporting information and responding statements submitted by persons who are the subject of reports. The review by the Disciplinary Board shall be in a timely manner but in no event, shall the Disciplinary Board's initial review of the material contained in each disciplinary file be less than 61 days nor more than 180 days after the receipt of the initial report by the Disciplinary Board.

When the Disciplinary Board makes its initial review of the materials contained within its disciplinary files, the Disciplinary Board shall, in writing, make a determination as to whether there are sufficient facts to warrant further investigation or action. Failure to make such determination within the time provided shall be deemed to be a determination that there are not sufficient facts to warrant further investigation or action.

Should the Disciplinary Board find that there are not sufficient facts to warrant further investigation, or action, the report shall be accepted for filing and the matter shall be deemed closed and so reported to the Secretary. The Secretary shall then have 30 days to accept the Medical Disciplinary Board's decision or request further investigation. The Secretary shall inform the Board in writing of the decision to request further investigation, including the specific reasons for the decision. The individual or entity filing the original report or complaint and the person who is the subject of the report or complaint shall be notified in writing by the Secretary of any final action on their report or complaint.

(F) Summary reports. The Disciplinary Board shall prepare, on a timely basis, but in no event less than one every other month, a summary report of final actions taken upon disciplinary files maintained by the Disciplinary Board. The summary reports shall be sent by the Disciplinary Board to every health care facility licensed by the Illinois Department of Public Health, every professional association and society of persons licensed under this Act functioning on a statewide basis in this State, the American Medical Association, the American Osteopathic Association, the American Chiropractic Association, all insurers providing professional liability insurance to persons licensed under this Act in the State of Illinois, the Federation of State Medical Licensing Boards, and the Illinois Pharmacists Association.

(G) Any violation of this Section shall be a Class A misdemeanor.

(H) If any such person violates the provisions of this Section an action may be brought in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, for an order enjoining such violation or for an order enforcing compliance with this Section. Upon filing of a verified petition in such court, the court may issue a temporary restraining order without notice or bond and may preliminarily or permanently enjoin such violation, and if it is established that such person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this paragraph shall be in addition to, and not in lieu of, all other remedies and penalties provided for by this Section.
(Source: P.A. 94-677, eff. 8-25-05.)

Section 5. The Parental Notice of Abortion Act of 1995 is amended by changing Sections 5, 10, 15, 20, 40, 45, 90, and 95 and by adding Sections 24, 26, and 46 as follows:

(750 ILCS 70/5)

Sec. 5. Legislative findings and purpose. The General Assembly finds that involvement of a responsible and caring adult in an unemancipated minor's decision about her pregnancy can facilitate quality decision making. The General Assembly finds that the involvement of an adult family member can help to guide an unemancipated minor in making such healthcare decisions. When circumstances preclude the involvement of an adult family member, it is the intent of this Act to create an alternative procedure that will ensure counseling and guidance as to all of the minor's options relating to the minor's decision about her pregnancy. The General Assembly's purpose in enacting this Act is to further its goal of ensuring quality healthcare for all of its citizens. ~~The General Assembly finds that notification of a family member as defined in this Act is in the best interest of an unemancipated minor, and the General Assembly's purpose in enacting this parental notice law is to further and protect the best interests of an unemancipated minor.~~

~~The medical, emotional, and psychological consequences of abortion are sometimes serious and long-lasting, and immature minors often lack the ability to make fully informed choices that consider both the immediate and long-range consequences.~~

~~Parental consultation is usually in the best interest of the minor and is desirable since the capacity to become pregnant and the capacity for mature judgment concerning the wisdom of an abortion are not necessarily related.~~
(Source: P.A. 89-18, eff. 6-1-95.)

(750 ILCS 70/10)

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

"Abortion" means the use of any instrument, medicine, or drug, or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, or to preserve the life or health of a child after live birth ~~, or to remove a dead fetus~~.

"Actual notice" means the giving of notice directly, in person, or by telephone, and not by facsimile, voicemail, or answering machine.

"Adult family member" means a person over 18 ~~21~~ years of age who is :

(1) the parent of the minor;

(2) a step-parent married to and residing with the custodial parent of the minor;

(3) a legal guardian of the minor; or

(4) a grandparent, aunt, or uncle of the minor. ~~the parent, grandparent, step parent living in the household, or legal guardian.~~

"Constructive notice" means notice sent by certified mail to the last known address of the person who can receive notice under Section 15 of this Act, ~~entitled to notice~~ with delivery deemed to have occurred 48 hours after the certified notice is mailed.

"Counselor" means a person who is an advanced practice nurse licensed under the Nursing and Advanced Practice Nursing Act, a physician licensed under the Medical Practice Act of 1987, a clinical psychologist licensed under the Clinical Psychologist Licensing Act, or a clinical social worker licensed under the Clinical Social Work and Social Work Practice Act.

~~"Incompetent" means any person who has been adjudged as mentally ill or developmentally disabled and who, because of her mental illness or developmental disability, is not fully able to manage her person and for whom a guardian of the person has been appointed under Section 11a-3(a)(1) of the Probate Act of 1975.~~

"Medical emergency" means a condition that, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk to her health ~~of~~

~~substantial and irreversible impairment of major bodily function~~.

"Minor" means any person under 18 years of age who is not or has not been married or who has not been emancipated under the Emancipation of ~~Mature~~ Minors Act.

~~"Neglect" means the failure of an adult family member to supply a child with necessary food, clothing, shelter, or medical care when reasonably able to do so or the failure to protect a child from conditions or actions that imminently and seriously endanger the child's physical or mental health when reasonably able to do so.~~

"Physical abuse" means any physical injury intentionally inflicted by an adult family member on a child.

"Physician" means any person licensed to practice medicine in all its branches under the ~~Illinois~~ Medical Practice Act of 1987.

"Sexual abuse" means any sexual conduct or sexual penetration as defined in Section 12-12 of the Criminal Code of 1961 that is prohibited by the criminal laws of the State of Illinois and committed against a minor by an adult family member as defined in this Act.

(Source: P.A. 89-18, eff. 6-1-95; revised 10-9-03.)

(750 ILCS 70/15)

Sec. 15. Prohibitions ~~Notice to adult family member~~. No person shall intentionally perform an abortion upon a minor unless the person or his or her agent has given at least 48 hours' actual notice to an adult family member of the pregnant minor of his or her intention to perform the abortion, unless that person or his or her agent has received a written statement by a referring physician certifying that the referring physician or his or her agent has given at least 48 hours' notice to an adult family member of the pregnant minor. If actual notice is not possible based on reasonable efforts by the person seeking to perform the abortion, or his or her agent, within one day, that person or his or her agent must give 48 hours' constructive notice. ~~No person shall knowingly perform an abortion upon a minor or upon an incompetent person unless the physician or his or her agent has given at least 48 hours actual notice to an adult family member of the pregnant minor or incompetent person of his or her intention to perform the abortion, unless that person or his or her agent has received a written statement by a referring physician certifying that the referring physician or his or her agent has given at least 48 hours notice to an adult family member of the pregnant minor or incompetent person. If actual notice is not possible after a reasonable effort, the physician or his or her agent must give 48 hours constructive notice.~~

(Source: P.A. 89-18, eff. 6-1-95.)

(750 ILCS 70/20)

Sec. 20. Exceptions. Notice shall not be required under this Act if:

(1) at the time the abortion is performed, the minor ~~or incompetent person~~ is accompanied by a person who can receive ~~entitled to~~ notice under Section 15 of this Act; or

(2) notice under this Act is waived in writing by a person who can receive ~~is entitled to~~ notice under Section 15 of this Act; or

(3) the attending physician certifies in the patient's medical record that a medical emergency exists and there is insufficient time to provide the required notice; or

(4) the minor declares in writing to the physician or to an agent of the physician that she is a victim of sexual ~~abuse, neglect,~~ or physical abuse by an adult family member, as defined in this Act, in which case: (i) the ~~. The~~ attending physician must certify in the patient's medical record that he or she has received the ~~written~~ declaration of abuse , (ii) any ~~or neglect. Any~~ notification of public authorities of abuse that may be required under other laws of this State need not be made ~~by the person performing the abortion~~ until after the minor receives an abortion that otherwise complies with the requirements of this Act , and (iii) the Department of Children and Family Services shall, pursuant to Section 7.19 of the Abused and Neglected Child Reporting Act, prohibit the release of any information or data that would identify or locate the person who made the report of abuse, or that in any way would reveal the minor's abortion choice; or

(5) notice under this Act is waived by the minor participating in an information and counseling session as set forth in ~~under~~ Section 24; or ~~25.~~

(6) notice is waived under Section 26.

(Source: P.A. 89-18, eff. 6-1-95.)

(750 ILCS 70/24 new)

Sec. 24. Information and counseling for minors.

(a) The provision of information and counseling by a counselor for any pregnant minor for decision making regarding pregnancy shall be in accordance with this Section.

(b) Any counselor providing pregnancy information and counseling under this Section shall, in a manner

designed to be clear and understandable to the minor:

(1) explain that the information being given to the minor is being given objectively and is not intended to coerce, persuade, or induce the minor to choose either to have an abortion or to carry the pregnancy to term;

(2) discuss the possibility of involving the minor's parents, guardian, or other adult family members in the minor's decision making concerning the pregnancy and explore whether the minor believes that involvement would be in the minor's best interest;

(3) clearly and fully explore with the minor the alternative choices available for managing the pregnancy;

(4) explain that the minor may withdraw a decision to have an abortion at any time before the abortion is performed and may reconsider a decision not to have an abortion at any time within the time period during which an abortion may legally be performed; and

(5) provide adequate opportunity for the minor to ask any questions concerning the pregnancy, abortion, child care, and adoption, and provide the information the minor seeks or, if the counselor cannot provide the information, indicate where the minor can receive the information.

(c) After the counselor provides the information and counseling to a minor as required by this Section, that person shall have the minor sign and date a form stating that:

(1) the minor has received information on prenatal care and alternatives to abortion and that there are agencies that will provide assistance;

(2) the counselor has discussed with the minor the possibility of involving the minor's parents, guardian, or other adult family members in the minor's decision making about the pregnancy;

(3) the minor has received an explanation that the minor may withdraw an abortion decision or reconsider a decision to carry a pregnancy to term;

(4) the alternatives available for managing the pregnancy have been clearly and fully explored with the minor;

(5) the minor has received an explanation about agencies available to provide birth control information; and

(6) the minor has been given an adequate opportunity to ask questions.

The counselor providing the information and counseling shall also sign and date the form and include the counselor's address and telephone number. The counselor shall retain a copy in his or her files and shall give the form to the minor or, if the minor requests and if the counselor providing information and counseling is not the attending physician, transmit the form to the minor's attending physician.

The counselor providing information and counseling pursuant to this Section shall have no current actual financial relationship with the healthcare provider who will perform the minor's abortion, and such information and counseling shall not be provided in the facility in which the minor's abortion shall be performed.

(750 ILCS 70/26 new)

Sec. 26. Procedure for judicial waiver of notice.

(a) The requirements and procedures under this Section are available to minors whether or not they are residents of this State.

(b) The minor may petition any circuit court for a waiver of the notice requirement and may participate in proceedings on her own behalf. The circuit court shall immediately advise the minor that she has a right to court-appointed counsel and shall provide her with counsel upon her request. The court shall appoint a guardian ad litem for the minor. Any guardian ad litem appointed under this Act shall act in the best interest of the minor and shall take all steps necessary to maintain the absolute confidentiality of the proceedings.

(c) Court proceedings under this Section shall be confidential and shall ensure the anonymity of the minor. The minor shall have the right to file her petition in the circuit court using a pseudonym or using solely her initials. All documents filed with or prepared by the court in connection with the minor's petition shall be maintained under seal. All documents related to the minor's petition shall be confidential and shall not be made available to the public. All circuit courts shall establish procedures that will ensure that all communications between a minor seeking to file, or having filed, a petition under this Section and the circuit court clerk's office are conducted confidentially. Such procedures shall include designation of a member of the clerk's office staff who will conduct all communication with the minor, a designated telephone line for contact with such minors, and a private space within the clerk's office for communications between the minor and designated personnel. All court personnel, including clerk's office staff, shall take all steps necessary to maintain absolute confidentiality in connection with the minor's

petition. Court personnel are prohibited from disclosing any information about the minor or her petition to any member of the public or to other court personnel unless disclosure to such personnel is essential to the resolution of the minor's petition. All proceedings relating to the minor's petition shall be closed to the public, with entry permitted only to the minor, or any person she asks to be present, the minor's counsel, the guardian ad litem, the circuit court judge and other essential courtroom personnel. These proceedings shall be given precedence over other pending matters to the extent necessary to ensure that the court reaches a prompt decision. Any hearing on the minor's petition must be held and a ruling issued within 48 hours of the time that the petition is filed, except that the 48 hour limitation may be extended at the request of the minor. The court shall issue its ruling along with findings of fact and conclusions of law at the conclusion of any hearing on the minor's petition. Such findings and conclusions shall be memorialized in a certified, confidential transcript of the proceedings. A court that conducts proceedings under this Section shall order that a confidential record of the evidence and the court's findings and conclusions be maintained. If the court fails to rule within 48 hours of the time that the petition was filed, and the minor has not requested an extension, the petition shall be deemed to have been granted, and the notice requirement shall be waived. In such case, the clerk's office shall provide the minor with an official certification of waiver of notice. If the court denies the minor's petition, it shall, at the time of such denial, inform the minor of her right to pursue an appeal from the denial of her petition and the steps she must take to pursue such appeal. In addition, such steps shall be set forth in detail on the back of the court's order denying the minor's petition.

(d) Notice shall be waived if the court finds by a preponderance of the evidence either:

(1) that the minor is sufficiently mature and well enough informed to decide intelligently whether to have an abortion; or

(2) that notification under Section 15 of this Act would not be in the best interests of the minor.

(e) In the event that the court finds that the minor has met either of the standards for waiver of notice set forth in subsection (d), the court shall enter an order permitting a qualified medical professional to perform an abortion on the minor without giving notice under this Act and setting forth that the minor may legally consent to the abortion procedure.

(f) An expedited confidential appeal shall be available, as set forth in Illinois Supreme Court Rule 303A, to any minor to whom the circuit court denies a waiver of notice. An order authorizing an abortion without notice shall not be subject to appeal.

(g) No fees shall be required of any minor who avails herself of the procedures provided by this Section.

(750 ILCS 70/40)

Sec. 40. Penalties.

(a) A ~~Any~~ physician who intentionally ~~willfully~~ fails to comply with ~~provide notice as required under~~ this Act may ~~before performing an abortion on a minor or an incompetent person shall~~ be referred to the Illinois State Medical Disciplinary Board for appropriate action ~~in accordance with Section 22 of the Medical Practice Act of 1987~~.

(b) A ~~Any~~ person, not authorized under this Act, who signs any waiver of notice for a minor ~~or incompetent person~~ seeking an abortion, is guilty of a Class C misdemeanor.

(c) A person who discloses confidential information obtained in the context of counseling under Section 24 of this Act is guilty of a Class C misdemeanor.

(Source: P.A. 89-18, eff. 6-1-95.)

(750 ILCS 70/45)

Sec. 45. Immunity. A ~~Any~~ physician who, in good faith, provides notice in accordance with Section 15 or relies on an exception under Section 20 shall not be subject to any type of civil or criminal liability or discipline for unprofessional conduct for failure to give ~~required~~ notice required under this Act. A counselor who in good faith provides information and counseling to a minor pursuant to Section 24 shall not be subject to any type of civil or criminal liability or discipline for unprofessional conduct for any of his or her actions in connection with providing such counseling and information. The immunity in this Section does not apply to willful or wanton conduct.

(Source: P.A. 89-18, eff. 6-1-95.)

(750 ILCS 70/46 new)

Sec. 46. Right of conscience. No provision of this Act impairs a physician, counselor, or other healthcare professional's rights under the Health Care Right of Conscience Act and the Abortion Performance Refusal Act.

(750 ILCS 70/90)

Sec. 90. The Illinois Abortion Parental Consent Act of 1977, which was repealed by Public Act 89-18, is again repealed.

(Source: P.A. 89-18, eff. 6-1-95.)

(750 ILCS 70/95)

Sec. 95. The Parental Notice of Abortion Act of 1983, which was repealed by Public Act 89-18, is again repealed.

(Source: P.A. 89-18, eff. 6-1-95.)

(750 ILCS 70/25 rep.) (750 ILCS 70/50 rep.)

Section 10. The Parental Notice of Abortion Act of 1995 is amended by repealing Sections 25 and 50.".

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

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

HOUSE BILL 773. Having been recalled on March 13, 2007, and held on the order of Second Reading, the same was again taken up.

Representative Fritchey offered the following amendment and moved its adoption.

AMENDMENT NO. 2. Amend House Bill 773, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Prevailing Wage Act is amended by changing Sections 2, 3, 4, 6, 9, 11, and 11b as follows:

(820 ILCS 130/2) (from Ch. 48, par. 39s-2)

Sec. 2. This Act applies to the wages of laborers, mechanics and other workers employed in any public works, as hereinafter defined, by any public body and to anyone under contracts for public works.

As used in this Act, unless the context indicates otherwise:

"Public works" means all fixed works constructed by any public body, other than work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" as defined herein includes all projects financed in whole or in part with bonds issued under the Industrial Project Revenue Bond Act (Article 11, Division 74 of the Illinois Municipal Code), the Economic Development Area Tax Increment Allocation Act, the Industrial Building Revenue Bond Act, the Illinois Finance Authority Act, the Illinois Sports Facilities Authority Act, or the Build Illinois Bond Act, and all projects financed in whole or in part with loans or other funds made available pursuant to the Build Illinois Act. "Public works" also includes all projects financed in whole or in part with funds from the Fund for Illinois' Future under Section 6z-47 of the State Finance Act, funds for school construction under Section 5 of the General Obligation Bond Act, funds authorized under Section 3 of the School Construction Bond Act, funds for school infrastructure under Section 6z-45 of the State Finance Act, and funds for transportation purposes under Section 4 of the General Obligation Bond Act. "Public works" also includes all projects financed in whole or in part with funds from the Department of Commerce and Economic Opportunity under the Illinois Renewable Fuels Development Program Act for which there is no project labor agreement. "Public works" also includes all projects at leased facility property used for airport purposes under Section 35 of the Local Government Facility Lease Act and all projects financed in whole or in part with loans or other funds made available pursuant to the Illinois Enterprise Zone Act.

"Construction" means all work on public works involving laborers, workers or mechanics.

"Locality" means the county where the physical work upon public works is performed, except (1) that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work and (2) that, with respect to contracts for highway work with the Department of Transportation of this State, "locality" may at the discretion of the Secretary of the Department of Transportation be construed to include two or more adjacent counties from which workers may be accessible for work on such construction.

"Public body" means the State or any officer, board or commission of the State or any political subdivision or department thereof, or any institution supported in whole or in part by public funds, and includes every county, city, town, village, township, school district, irrigation, utility, reclamation improvement or other district and every other political subdivision, district or municipality of the state

whether such political subdivision, municipality or district operates under a special charter or not.

The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works.

"Contractor" or "subcontractor" means any person or entity who undertakes to, offers to undertake to, purports to have the capacity to undertake to, submits a bid to, or does himself or herself or by or through others, engage in a public works.

(Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04; 93-205, eff. 1-1-04; 94-750, eff. 5-9-06.)

(820 ILCS 130/3) (from Ch. 48, par. 39s-3)

Sec. 3. Not less than the general prevailing rate of hourly wages for work of a similar character on public works in the locality in which the work is performed, and not less than the general prevailing rate of hourly wages for legal holiday and overtime work, shall be paid to all laborers, workers and mechanics employed by or on behalf of any public body engaged in the construction of public works. Laborers ~~Only such laborers~~, workers and mechanics ~~as are~~ directly employed by contractors or subcontractors in actual construction work on the site of the building or construction job shall be deemed to be employed upon public works. Laborers, ~~and laborers,~~ workers and mechanics engaged in the transportation of materials and equipment to or from the site, but not including the transportation by the sellers and suppliers or the manufacture or processing of materials or equipment, in the execution of any contract or contracts for public works with any public body shall also be deemed to be employed upon public works. The wage for a tradesman performing maintenance is equivalent to that of a tradesman engaged in construction. All contractors and subcontractors required to pay the prevailing wage under this Act shall make payment of such wages in legal tender, without any deduction for food, sleeping accommodations, transportation, use of tools, or any other thing of any kind or description.

(Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04.)

(820 ILCS 130/4) (from Ch. 48, par. 39s-4)

Sec. 4. (a) The public body awarding any contract for public works ~~work~~ or otherwise undertaking any public works, shall ascertain the general prevailing rate of hourly wages in the locality in which the work is to be performed, for each craft or type of worker or mechanic needed to execute the contract, and where the public body performs the work without letting a contract therefor, shall ascertain the prevailing rate of wages on a per hour basis in the locality . Such ~~, and such~~ public body shall specify in the resolution or ordinance and in the call for bids for the contract, that the general prevailing rate of wages in the locality for each craft or type of worker or mechanic needed to execute the contract or perform such work, also the general prevailing rate for legal holiday and overtime work, as ascertained by the public body or by the Department of Labor shall be paid for each craft or type of worker needed to execute the contract or to perform such work . ~~, and it~~

(b) It shall be mandatory upon the contractor to whom the contract is awarded and upon any subcontractor under him, and where the public body performs the work, upon the public body, to pay not less than the specified rates to all laborers, workers and mechanics employed by them in the execution of the contract or such work; provided, however, that if the public body desires that the Department of Labor ascertain the prevailing rate of wages, it shall notify the Department of Labor to ascertain the general prevailing rate of hourly wages for work under contract, or for work performed by a public body without letting a contract as required in the locality in which the work is to be performed, for each craft or type of worker or mechanic needed to execute the contract or project or work to be performed. Upon such notification the Department of Labor shall ascertain such general prevailing rate of wages, and certify the prevailing wage to such public body.

(c) The public body awarding the contract shall cause to be inserted in the project specifications and the contract a stipulation to the effect that not less than the prevailing rate of wages as found by the public body or Department of Labor or determined by the court on review shall be paid to all laborers, workers and mechanics performing work under the contract.

(d) When a public body or other entity covered by this Act contracts for work with a contractor without a public bid or project specification, such public body or other entity shall provide the contractor with a written notice that the prevailing wage is required to be paid on the project as a statement on the purchase order related to the work to be done or on a separate document.

(e) Where a complaint has been made and the Department has determined that a violation has occurred, the Department shall determine if proper written notice under this Section 4 was given. If proper written

notice was not provided to the contractor by the public body, the Department shall order the public body to pay any back wages, interest, penalties or fines owed by the contractor to all laborers, mechanics and other workers who performed work on the project. For the purposes of this subsection back wages shall be limited to the difference between the actual amount paid and the prevailing wages required to be paid for the project. A contractor shall not be deemed in violation of this Act if proper written notice pursuant to this Section 4 is not provided. The failure to provide written notice by a public body or other entity does not diminish the right of a laborer, worker, or mechanic to the prevailing wage rate as determined under this Act.

(f) ~~(b)~~ It shall also be mandatory upon the contractor to whom the contract is awarded to insert into each subcontract and into the project specifications for each subcontract a written stipulation to the effect that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work under the contract. It shall also be mandatory upon each subcontractor to cause to be inserted into each lower tiered subcontract and into the project specifications for each lower tiered subcontract a stipulation to the effect that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work under the contract. A contractor or subcontractor who fails to comply with this subsection (f) ~~(b)~~ is in violation of this Act.

(g) When a contractor has awarded work to a subcontractor without a contract or without a contract specification, the contractor may comply with subsection (d) by providing a subcontractor a written statement indicating that no less than the prevailing wage rate shall be paid to all laborers, mechanics and other workers performing work on the project. A contractor or subcontractor who fails to comply with this subsection (g) is in violation of this Act.

(h) Where a complaint has been made and the Department has determined that a violation has occurred, the Department shall determine if proper written notice under this Section 4 was given. If proper written notice was not provided to the subcontractor by the contractor, the Department shall order the contractor to pay any back wages, interest, penalties or fines owed by the subcontractor to all laborers, mechanics and other workers who performed work on the project. For the purposes of this subsection back wages shall be limited to the difference between the actual amount paid and the prevailing wages required for the project. A subcontractor shall not be deemed in violation of this Act if such written notice is not provided. However, if proper written notice was not provided to the contractor by the public body under subsections (a) or (b) of this Section 4, the Department shall order the public body to pay any back wages, interest, penalties or fines owed by the subcontractor to all laborers, mechanics and other workers who performed work on the project. The failure to provide written notice by a public body or contractor does not diminish the right of a laborer, worker, or mechanic to prevailing wage rate as determined under this Act.

(i) ~~(c)~~ It shall also require in all such contractor's bonds that the contractor include such provision as will guarantee the faithful performance of such prevailing wage clause as provided by contract. All bid specifications shall list the specified rates to all laborers, workers and mechanics in the locality for each craft or type of worker or mechanic needed to execute the contract.

(j) ~~(d)~~ If the Department of Labor revises the prevailing rate of hourly wages to be paid by the public body, the revised rate shall apply to such contract . The public body or the Department of Labor shall make the revised rate of hourly wages available to the contractor and each subcontractor and the publication of the revised rate on the Department of Labor's official website shall be deemed sufficient notice. The ~~, and the public body shall be responsible to notify the~~ contractor and each subcontractor shall notify its employees pursuant to this Act and pay the ~~, of the~~ revised rate.

~~(e) Two or more investigatory hearings under this Section on the issue of establishing a new prevailing wage classification for a particular craft or type of worker shall be consolidated in a single hearing before the Department. Such consolidation shall occur whether each separate investigatory hearing is conducted by a public body or the Department. The party requesting a consolidated investigatory hearing shall have the burden of establishing that there is no existing prevailing wage classification for the particular craft or type of worker in any of the localities under consideration.~~

(k) It shall be mandatory upon the contractor or construction manager to whom a contract for public works is awarded to post, at a location on the project site of the public works that is easily accessible to the workers engaged on the project, the prevailing wage rates for each craft or type of worker or mechanic needed to execute the contract or project or work to be performed. In lieu of posting on the project site of the public works, a contractor which has a business location where laborers, workers and mechanics regularly visit may: (1) post in a conspicuous location at that business the current prevailing wage rates for each county the contractor is performing work; or (2) provide such laborer, worker or mechanic engaged on the public works project a written notice indicating the prevailing wage rates for the public works project.

A failure to post or provide a prevailing wage rate as required by this Section is a violation of this Act.

(l) Beginning July 1, 2009, every public body awarding any contract for a public works or otherwise undertaking any public works shall notify the Department of Labor in writing, on a form and in a format prescribed by the Department of Labor, whenever a contract subject to the provisions of this Act has been awarded. The notification mentioned herein shall be filed with the Department of Labor within 30 days after such contract is awarded or before commencement of the public works, and shall include a list of all first-tier subcontractors.

(Source: P.A. 92-783, eff. 8-6-02; 93-15, eff. 6-11-03; 93-16, eff. 1-1-04; 93-38, eff. 6-1-04; revised 10-29-04.)

(820 ILCS 130/6) (from Ch. 48, par. 39s-6)

Sec. 6. Any officer, agent or representative of any public body who wilfully violates, or omits to comply with, any of the provisions of this Act, and any contractor or subcontractor, or agent or representative thereof, doing public work as aforesaid, who wilfully violates, or omits to comply with, any of the provisions of this Act ~~neglects to keep, or cause to be kept, an accurate record of the names, occupation and actual wages paid to each laborer, worker and mechanic employed by him, in connection with the public work or who refuses to allow access to same at any reasonable hour to any person authorized to inspect same under this Act,~~ is guilty of a Class A misdemeanor.

The Department of Labor shall inquire diligently as to any violation of this Act, shall institute actions for penalties herein prescribed, and shall enforce generally the provisions of this Act. The Attorney General shall prosecute such cases upon complaint by the Department or any interested person.

(Source: P.A. 94-488, eff. 1-1-06.)

(820 ILCS 130/9) (from Ch. 48, par. 39s-9)

Sec. 9. To effectuate the purpose and policy of this Act each public body shall, during the month of June of each calendar year, investigate and ascertain the prevailing rate of wages as defined in this Act and publicly post or keep available for inspection by any interested party in the main office of such public body its determination of such prevailing rate of wage and shall promptly file, no later than July 15 of each year, a certified copy thereof in the office of the Secretary of State at Springfield and the office of the Illinois Department of Labor.

The Department of Labor shall during the month of June of each calendar year, investigate and ascertain the prevailing rate of wages for each county in the State. If a public body does not investigate and ascertain the prevailing rate of wages during the month of June as required by the previous paragraph, then the prevailing rate of wages for that public body shall be the rate as determined by the Department under this paragraph for the county in which such public body is located.

Where the Department of Labor ascertains the prevailing rate of wages, it is the duty of the Department of Labor within 30 days after receiving a notice from the public body authorizing the proposed work, to conduct an investigation to ascertain the prevailing rate of wages as defined in this Act and such investigation shall be conducted in the locality in which the work is to be performed. The Department of Labor shall send a certified copy of its findings to the public body authorizing the work and keep a record of its findings available for inspection by any interested party in the office of the Department of Labor at Springfield.

The public body except for the Department of Transportation with respect to highway contracts shall within 30 days after filing with the Secretary of State, or the Department of Labor shall within 30 days after filing with such public body, publish in a newspaper of general circulation within the area that the determination is effective, a notice of its determination and shall promptly mail a copy of its determination to any employer, and to any association of employers and to any person or association of employees who have filed their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

At any time within 30 days after the Department of Labor has published on its official web site a prevailing wage schedule, any person affected thereby may object in writing to the determination or such part thereof as they may deem objectionable by filing a written notice with the public body or Department of Labor, whichever has made such determination, stating the specified grounds of the objection. It shall thereafter be the duty of the public body or Department of Labor to set a date for a hearing on the objection after giving written notice to the objectors at least 10 days before the date of the hearing and said notice shall state the time and place of such hearing. Such hearing by a public body shall be held within 45 days after the objection is filed, and shall not be postponed or reset for a later date except upon the consent, in writing, of all the objectors and the public body. If such hearing is not held by the public body within the time herein specified, the Department of Labor may, upon request of the objectors, conduct the hearing on

behalf of the public body.

The public body or Department of Labor, whichever has made such determination, is authorized ~~in its discretion~~ to hear each timely filed written objection. Two or more hearings under this Section on the issue of establishing a new prevailing wage classification for a particular craft or type of worker shall be consolidated in a single hearing before the Department. Such consolidation shall occur whether each separate hearing is conducted by a public body or the Department. The party requesting a consolidated hearing shall have the burden of establishing that there is no existing prevailing wage classification for the particular craft or type of worker in any of the localities under consideration ~~filed separately or consolidate for hearing any one or more written objections filed with them~~. At any such hearing the public body or Department of Labor shall introduce in evidence the investigation it instituted which formed the basis of its determination, and the public body or Department of Labor, or any interested objectors may thereafter introduce such evidence as is material to the issue. Thereafter, the public body or Department of Labor, must rule upon the written objection and make such final determination as it believes the evidence warrants, and promptly file a certified copy of its final determination with such public body and the Secretary of State, and serve a copy by personal service or registered mail on all parties to the proceedings. The final determination by the Department of Labor or a public body shall be rendered within 30 days after the conclusion of the hearing.

If proceedings to review judicially the final determination of the public body or Department of Labor are not instituted as hereafter provided, such determination shall be final and binding.

The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of any public body or the Department of Labor hereunder. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Appeals from all final orders and judgments entered by the court in review of the final administrative decision of the public body or Department of Labor, may be taken by any party to the action.

Any proceeding in any court affecting a determination of the Department of Labor or public body shall have priority in hearing and determination over all other civil proceedings pending in said court, except election contests.

In all reviews or appeals under this Act, it shall be the duty of the Attorney General to represent the Department of Labor, and defend its determination. The Attorney General shall not represent any public body, except the State, in any such review or appeal.

(Source: P.A. 93-38, eff. 6-1-04.)

(820 ILCS 130/11) (from Ch. 48, par. 39s-11)

Sec. 11. No public works project shall be instituted unless the provisions of this Act have been complied with. The provisions of this Act shall not be applicable to Federal construction projects which require a prevailing wage determination by the United States Secretary of Labor. The Illinois Department of Labor represented by the Attorney General is empowered to sue for injunctive relief against the awarding of any contract or the continuation of work under any contract for public works at a time when the prevailing wage prerequisites have not been met. Any contract for public works awarded at a time when the prevailing wage prerequisites had not been met shall be void as against public policy and the contractor is prohibited from recovering any damages for the voiding of the contract or pursuant to the terms of the contract. The contractor is limited to a claim for amounts actually paid for labor and materials supplied to the public body. Where objections to a determination of the prevailing rate of wages or a court action relative thereto is pending, the public body shall not continue work on the project unless sufficient funds are available to pay increased wages if such are finally determined or unless the Department of Labor certifies such determination of the prevailing rate of wages as correct.

Any laborer, worker or mechanic employed by the contractor or by any sub-contractor under him who is paid for his services in a sum less than the stipulated rates for work done under such contract, shall have a right of action for whatever difference there may be between the amount so paid, and the prevailing rate of wages required to be paid on the public works project ~~rates provided by the contract~~ together with costs and such reasonable attorney's fees as shall be allowed by the court. Such contractor or subcontractor shall also be liable to the Department of Labor for 20% of such underpayments and shall be additionally liable to the laborer, worker or mechanic for punitive damages in the amount of 2% of the amount of any such penalty to the State for underpayments for each month following the date of payment during which such underpayments remain unpaid. Where a second or subsequent action to recover underpayments is brought against a contractor or subcontractor and the contractor or subcontractor is found liable for underpayments to any laborer, worker, or mechanic, the contractor or subcontractor shall also be liable to the Department

of Labor for 50% of the underpayments payable as a result of the second or subsequent action, and shall be additionally liable to the laborer, worker or mechanic for punitive damages in the amount of ~~for~~ 5% of the amount of any such penalty to the State for underpayments for each month following the date of payment during which the underpayments remain unpaid. The Department shall also have a right of action on behalf of any individual who has a right of action under this Section. An action brought to recover same shall be deemed to be a suit for wages, and any and all judgments entered therein shall have the same force and effect as other judgments for wages. At the request of any laborer, workman or mechanic employed by the contractor or by any subcontractor under him who is paid less than the prevailing wage rate required by this Act, the Department of Labor may take an assignment of such wage claim in trust for the assigning laborer, workman or mechanic and may bring any legal action necessary to collect such claim, and the contractor or subcontractor shall be required to pay the costs incurred in collecting such claim.
(Source: P.A. 94-488, eff. 1-1-06.)

(820 ILCS 130/11b)

Sec. 11b. Discharge or discipline of "whistle blowers" prohibited.

(a) No person shall discharge, discipline, or in any other way discriminate against, or cause to be discharged, disciplined, or discriminated against, any employee or any authorized representative of employees by reason of the fact that the employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of this Act, or offers any evidence of any violation of this Act.

(b) Any employee or a representative of employees who believes that he has been discharged, disciplined, or otherwise discriminated against by any person in violation of subsection (a) of this Section may, within 60 ~~30~~ days after the alleged violation occurs, apply to the Director of Labor for a review of the discharge, discipline, or alleged discrimination. A copy of the application shall be sent to the person who allegedly committed the violation, who shall be the respondent. Upon receipt of an application, the Director shall cause such investigation to be made as he or she deems appropriate. The investigation shall provide an opportunity for a public hearing at the request of any party to the review to enable the parties to present information relating to the alleged violation. The parties shall be given written notice of the time and place of the hearing at least 30 ~~5~~ days before the hearing. Upon receiving the report of the investigation, the Director shall make findings of fact. If the Director finds that a violation did occur, he or she shall issue a decision incorporating his or her findings and requiring the party committing the violation to take such affirmative action to abate the violation as the Director deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his or her former position and compensating him or her for the time he or she was unemployed. The party committing the violation shall also be liable to the Department of Labor for a penalty of $5,000 for each violation of this Section. If the Director finds that there was no violation, he or she shall issue an order denying the application. An order issued by the Director under this Section shall be subject to judicial review under the Administrative Review Law.

(c) The Director shall adopt rules implementing this Section in accordance with the Illinois Administrative Procedure Act.
(Source: P.A. 94-488, eff. 1-1-06.)

(820 ILCS 130/11a rep.)

Section 10. The Prevailing Wage Act is amended by repealing Section 11a.".

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

Representative Durkin offered and withdrew Amendment No. 1.

Representative Durkin offered the following amendment and moved its adoption:

AMENDMENT NO. 2 . Amend House Bill 448 by replacing everything after the enacting clause

with the following:

"Section 5. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-40 as follows:

(20 ILCS 2605/2605-40) (was 20 ILCS 2605/55a-4)

Sec. 2605-40. Division of Forensic Services.

(a) The Division of Forensic Services shall exercise the following functions:

(1) Exercise the rights, powers, and duties vested by law in the Department by the Criminal Identification Act.

(2) Exercise the rights, powers, and duties vested by law in the Department by Section 2605-300 of this Law.

(3) Provide assistance to local law enforcement agencies through training, management, and consultant services.

(4) (Blank).

(5) Exercise other duties that may be assigned by the Director in order to fulfill the responsibilities and achieve the purposes of the Department.

(6) Establish and operate a forensic science laboratory system, including a forensic toxicological laboratory service, for the purpose of testing specimens submitted by coroners and other law enforcement officers in their efforts to determine whether alcohol, drugs, or poisonous or other toxic substances have been involved in deaths, accidents, or illness. Forensic toxicological laboratories shall be established in Springfield, Chicago, and elsewhere in the State as needed.

(7) Subject to specific appropriations made for these purposes, establish and coordinate a system for providing accurate and expedited forensic science and other investigative and laboratory services to local law enforcement agencies and local State's Attorneys in aid of the investigation and trial of capital cases.

(b) When used in this Section, the following words and terms shall have the meanings ascribed to them in this subsection:

"Forensic laboratory" means any laboratory operated by the Division of Forensic Services that performs forensic testing on evidence in an investigation or other proceeding for the prosecution of a violation of the Criminal Code of 1961 or for matters adjudicated under the Juvenile Court Act of 1987.

"Forensic testing" includes the analysis of physical evidence in an investigation or other proceeding for the prosecution of a violation of the Criminal Code of 1961 or for matters adjudicated under the Juvenile Court Act of 1987, and includes the use of forensic databases and databanks, including DNA, firearm, and fingerprint databases, and expert testimony.

"Private laboratory" or "subcontractor" means any laboratory operated by any entity other than the Division of Forensic Services of the Illinois State Police that performs forensic testing on evidence in an investigation or other proceeding for the prosecution of a violation of the Criminal Code of 1961 or for matters adjudicated under the Juvenile Court Act of 1987.

"ASCLD/LAB" means a laboratory which is accredited by the American Society of Crime Laboratory Directors Accreditation Board.

"ISO accreditation" means accreditation under standard 17025 of the International Organization for Standardization.

(c) A forensic laboratory authorized under this Section must establish and carry out procedures to ensure, upon subpoena request by prosecution or defense counsel, complete disclosure in legal proceedings. Disclosure shall include all reports, notes, and conversation logs, quality assurance and quality control (QA/QC) documentation, protocol and procedure manuals, command directives and other statements of procedure and policy relating to forensic testing, validation studies, documentation relating to corrective actions and remedial actions, incidents, incident logs, errors, and incidents of contamination, proficiency tests, and results, unless the disclosure would be burdensome or duplicative, or both, and is relevant to the case in which the subpoena has been issued. This disclosure obligation also applies to any subcontractors used by the forensic laboratory to undertake forensic examinations. Forensic laboratories shall also ensure prosecution and defense counsel reasonable access to interview personnel involved in the pending case. This shall include cases that the laboratory sends to private laboratories as subcontractors. Costs for discovery materials shall be borne by the requesting party. Disclosure shall be limited to the documents and personnel used in the pending case unless a court determines that additional discovery is material and relevant.

(Source: P.A. 90-130, eff. 1-1-98; 91-239, eff. 1-1-00; 91-589, eff. 1-1-00; 91-760, eff. 1-1-01.)

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 116-3 as follows:

(725 ILCS 5/116-3)

Sec. 116-3. Motion for fingerprint or forensic testing not available at trial regarding actual innocence.

(a) A defendant may make a motion before the trial court that entered the judgment of conviction in his or her case for the performance of fingerprint or forensic DNA testing, including comparison analysis of genetic marker groupings of the evidence collected by criminal justice agencies pursuant to the alleged offense, to those of the defendant, to those of other forensic evidence, and to those maintained under subsection (f) of Section 5-4-3 of the Unified Code of Corrections, on evidence that was secured in relation to the trial which resulted in his or her conviction, but which was not subject to the testing which is now requested because the technology for the testing was not available at the time of trial. Reasonable notice of the motion shall be served upon the State.

(b) The defendant must present a prima facie case that:

(1) identity was the issue in the trial which resulted in his or her conviction; and

(2) the evidence to be tested has been subject to a chain of custody sufficient to establish that it has not been substituted, tampered with, replaced, or altered in any material aspect.

(c) The trial court shall allow the testing under reasonable conditions designed to protect the State's interests in the integrity of the evidence and the testing process upon a determination that:

(1) the result of the testing has the scientific potential to produce new, noncumulative evidence materially relevant to the defendant's assertion of actual innocence even though the results may not completely exonerate the defendant;

(2) the testing requested employs a scientific method generally accepted within the relevant scientific community; and ~~.~~

(3) when forensic DNA testing is requested, and the testing is to be performed on or after the effective date of this amendatory Act of the 95th General Assembly, the forensic DNA testing shall be performed by a forensic laboratory, private laboratory, or subcontractor as defined under Section 2605-40 of the Department of State Police Law of the Civil Administrative Code of Illinois, and shall be an American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) accredited laboratory or an International Organization for Standardization (ISO) accredited laboratory, unless upon written motion and after hearing arguments or evidence, or both, the court may order the DNA testing be performed by a laboratory that is not ASCLD/LAB or ISO accredited.

(Source: P.A. 93-605, eff. 11-19-03.)

Section 15. The Unified Code of Corrections is amended by changing Section 5-4-3 as follows:

(730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

Sec. 5-4-3. Persons convicted of, or found delinquent for, certain offenses or institutionalized as sexually dangerous; specimens; genetic marker groups.

(a) Any person convicted of, found guilty under the Juvenile Court Act of 1987 for, or who received a disposition of court supervision for, a qualifying offense or attempt of a qualifying offense, convicted or found guilty of any offense classified as a felony under Illinois law, convicted or found guilty of any offense requiring registration under the Sex Offender Registration Act, found guilty or given supervision for any offense classified as a felony under the Juvenile Court Act of 1987, convicted or found guilty of, under the Juvenile Court Act of 1987, any offense requiring registration under the Sex Offender Registration Act, or institutionalized as a sexually dangerous person under the Sexually Dangerous Persons Act, or committed as a sexually violent person under the Sexually Violent Persons Commitment Act shall, regardless of the sentence or disposition imposed, be required to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section, provided such person is:

(1) convicted of a qualifying offense or attempt of a qualifying offense on or after July 1, 1990 and sentenced to a term of imprisonment, periodic imprisonment, fine, probation, conditional discharge or any other form of sentence, or given a disposition of court supervision for the offense;

(1.5) found guilty or given supervision under the Juvenile Court Act of 1987 for a qualifying offense or attempt of a qualifying offense on or after January 1, 1997;

(2) ordered institutionalized as a sexually dangerous person on or after July 1, 1990;

(3) convicted of a qualifying offense or attempt of a qualifying offense before July 1, 1990 and is presently confined as a result of such conviction in any State correctional facility or county jail or is presently serving a sentence of probation, conditional discharge or periodic imprisonment as a result of such conviction;

(3.5) convicted or found guilty of any offense classified as a felony under Illinois

law or found guilty or given supervision for such an offense under the Juvenile Court Act of 1987 on or after August 22, 2002;

(4) presently institutionalized as a sexually dangerous person or presently institutionalized as a person found guilty but mentally ill of a sexual offense or attempt to commit a sexual offense;

(4.5) ordered committed as a sexually violent person on or after the effective date of the Sexually Violent Persons Commitment Act; or

(5) seeking transfer to or residency in Illinois under Sections 3-3-11.05 through 3-3-11.5 of the Unified Code of Corrections and the Interstate Compact for Adult Offender Supervision or the Interstate Agreements on Sexually Dangerous Persons Act.

Notwithstanding other provisions of this Section, any person incarcerated in a facility of the Illinois Department of Corrections on or after August 22, 2002 shall be required to submit a specimen of blood, saliva, or tissue prior to his or her final discharge or release on parole or mandatory supervised release, as a condition of his or her parole or mandatory supervised release.

Notwithstanding other provisions of this Section, any person sentenced to life imprisonment in a facility of the Illinois Department of Corrections after the effective date of this amendatory Act of the 94th General Assembly or sentenced to death after the effective date of this amendatory Act of the 94th General Assembly shall be required to provide a specimen of blood, saliva, or tissue within 45 days after sentencing or disposition, or within 30 days after sentencing or disposition and receipt by the Department thereof from the forwarding agency if the sentence or disposition occurred on or after the effective date of this amendatory Act of the 95th General Assembly, at a collection site designated by the Illinois Department of State Police. Any person serving a sentence of life imprisonment in a facility of the Illinois Department of Corrections on the effective date of this amendatory Act of the 94th General Assembly or any person who is under a sentence of death on the effective date of this amendatory Act of the 94th General Assembly shall be required to provide a specimen of blood, saliva, or tissue upon request at a collection site designated by the Illinois Department of State Police.

(a-5) Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the Criminal Code of 1961 or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5), (a)(2), (a)(3.5), and (a-5) to provide specimens of blood, saliva, or tissue shall provide specimens of blood, saliva, or tissue within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

(c) Any person required by paragraphs (a)(3), (a)(4), and (a)(4.5) to provide specimens of blood, saliva, or tissue shall be required to provide such samples prior to final discharge, parole, or release at a collection site designated by the Illinois Department of State Police.

(c-5) Any person required by paragraph (a)(5) to provide specimens of blood, saliva, or tissue shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.

(c-6) The Illinois Department of State Police may determine which type of specimen or specimens, blood, saliva, or tissue, is acceptable for submission to the Division of Forensic Services for analysis.

(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood samples. The collection of samples shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-1) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of saliva samples. The collection of saliva samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting saliva may collect saliva for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-2) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of tissue samples. The collection of tissue samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on

collecting tissue may collect tissue for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-5) To the extent that funds are available, the Illinois Department of State Police shall contract with qualified personnel and certified laboratories for the collection, analysis, and categorization of known samples, except as provided in subsection (n) of this Section.

(d-6) Agencies designated by the Illinois Department of State Police and the Illinois Department of State Police may contract with third parties to provide for the collection or analysis of DNA, or both, of an offender's blood, saliva, and tissue samples, except as provided in subsection (n) of this Section.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained pursuant to this Act shall be confidential and shall be released only to peace officers of the United States, of other states or territories, of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all prosecutorial agencies, and to defense counsel as provided by Section 116-5 of the Code of Criminal Procedure of 1963. The genetic marker grouping analysis information obtained pursuant to this Act shall be used only for (i) valid law enforcement identification purposes and as required by the Federal Bureau of Investigation for participation in the National DNA database, (ii) technology validation purposes, (iii) a population statistics database, (iv) quality assurance purposes if personally identifying information is removed, (v) assisting in the defense of the criminally accused pursuant to Section 116-5 of the Code of Criminal Procedure of 1963, or (vi) identifying and assisting in the prosecution of a person who is suspected of committing a sexual assault as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State data base, which may be uploaded into a national database, and which information may be subject to expungement only as set forth in subsection (f-1).

(f-1) Upon receipt of notification of a reversal of a conviction based on actual innocence, or of the granting of a pardon pursuant to Section 12 of Article V of the Illinois Constitution, if that pardon document specifically states that the reason for the pardon is the actual innocence of an individual whose DNA record has been stored in the State or national DNA identification index in accordance with this Section by the Illinois Department of State Police, the DNA record shall be expunged from the DNA identification index, and the Department shall by rule prescribe procedures to ensure that the record and any samples, analyses, or other documents relating to such record, whether in the possession of the Department or any law enforcement or police agency, or any forensic DNA laboratory, including any duplicates or copies thereof, are destroyed and a letter is sent to the court verifying the expungement is completed.

(f-5) Any person who intentionally uses genetic marker grouping analysis information, or any other information derived from a DNA sample, beyond the authorized uses as provided under this Section, or any other Illinois law, is guilty of a Class 4 felony, and shall be subject to a fine of not less than $5,000.

(f-6) The Illinois Department of State Police may contract with third parties for the purposes of implementing this amendatory Act of the 93rd General Assembly, except as provided in subsection (n) of this Section. Any other party contracting to carry out the functions of this Section shall be subject to the same restrictions and requirements of this Section insofar as applicable, as the Illinois Department of State Police, and to any additional restrictions imposed by the Illinois Department of State Police.

(g) For the purposes of this Section, "qualifying offense" means any of the following:

(1) any violation or inchoate violation of Section 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the Criminal Code of 1961;

(1.1) any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which persons are convicted on or after July 1, 2001;

(2) any former statute of this State which defined a felony sexual offense;

(3) (blank);

(4) any inchoate violation of Section 9-3.1, 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961; or

(5) any violation or inchoate violation of Article 29D of the Criminal Code of 1961.

(g-5) (Blank).

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker

grouping analysis information obtained pursuant to this Act. The Illinois Department of State Police may promulgate rules for the form and manner of the collection of blood, saliva, or tissue samples and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.

(i) (1) A person required to provide a blood, saliva, or tissue specimen shall cooperate with the collection of the specimen and any deliberate act by that person intended to impede, delay or stop the collection of the blood, saliva, or tissue specimen is a Class A misdemeanor.

(2) In the event that a person's DNA sample is not adequate for any reason, the person shall provide another DNA sample for analysis. Duly authorized law enforcement and corrections personnel may employ reasonable force in cases in which an individual refuses to provide a DNA sample required under this Act.

(j) Any person required by subsection (a) to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police for analysis and categorization into genetic marker grouping, in addition to any other disposition, penalty, or fine imposed, shall pay an analysis fee of $200. If the analysis fee is not paid at the time of sentencing, the court shall establish a fee schedule by which the entire amount of the analysis fee shall be paid in full, such schedule not to exceed 24 months from the time of conviction. The inability to pay this analysis fee shall not be the sole ground to incarcerate the person.

(k) All analysis and categorization fees provided for by subsection (j) shall be regulated as follows:

(1) The State Offender DNA Identification System Fund is hereby created as a special fund in the State Treasury.

(2) All fees shall be collected by the clerk of the court and forwarded to the State Offender DNA Identification System Fund for deposit. The clerk of the circuit court may retain the amount of $10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(3) Fees deposited into the State Offender DNA Identification System Fund shall be used by Illinois State Police crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing laws and shall be designated for the exclusive use of State crime laboratories. These uses may include, but are not limited to, the following:

(A) Costs incurred in providing analysis and genetic marker categorization as required by subsection (d).

(B) Costs incurred in maintaining genetic marker groupings as required by subsection (e).

(C) Costs incurred in the purchase and maintenance of equipment for use in performing analyses.

(D) Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.

(E) Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(l) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, within the ~~45-day~~ period or periods specified by this Section shall in no way alter the obligation of the person to submit such specimen, or the authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database.

(m) If any provision of this amendatory Act of the 93rd General Assembly is held unconstitutional or otherwise invalid, the remainder of this amendatory Act of the 93rd General Assembly is not affected.

(n) Neither the Department of State Police, the Division of Forensic Services, nor any laboratory of the Division of Forensic Services may contract out forensic testing, as defined in Section 2605-40 of the Department of State Police Law of the Civil Administrative Code of Illinois, for the purpose of an active investigation or a matter pending before a court of competent jurisdiction without the written consent of the prosecuting agency.

(o) On and after the effective date of this amendatory Act of the 95th General Assembly, the Illinois Department of State Police shall, within 30 days after sentencing or disposition and receipt by the Department thereof from the forwarding agency, analyze DNA samples required to be submitted by a person described in subsection (a) who has been convicted of a felony.

(Source: P.A. 93-216, eff. 1-1-04; 93-605, eff. 11-19-03; 93-781, eff. 1-1-05; 94-16, eff. 6-13-05; 94-1018, eff. 1-1-07.)".

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 1071. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 1071 by replacing everything after the enacting clause with the following:

"Section 5. The Condominium Property Act is amended by changing Section 1 as follows:

(765 ILCS 605/1) (from Ch. 30, par. 301)

Sec. 1. Short title.

This Act shall be known and ~~and~~ may be cited as the "Condominium Property Act."

(Source: Laws 1963, p. 1120.)".

Representative Nekritz offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 1071, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Condominium Property Act is amended by adding Section 18.7 as follows:

(765 ILCS 605/18.7 new)

Sec. 18.7. Standards for community association managers.

(a) "Community association" means an association in which membership is a condition of ownership or shareholder interest of a unit in a condominium, cooperative, townhouse, villa, or other residential unit that is part of a residential development plan as a master association or common interest community and that is authorized to impose an assessment and other costs that may become a lien on the unit or lot.

(b) "Community association manager" means an individual who administers for compensation the coordination of financial, administrative, maintenance, or other duties called for in the management contract, including individuals who are direct employees of a community association. A manager does not include support staff, such as bookkeepers, administrative assistants, secretaries, property inspectors, or customer service representatives.

(c) Requirements. To perform services as a community association manager, an individual must meet these requirements:

(1) shall have attained the age of 21 and be a citizen or legal permanent resident of the United States;

(2) shall not have been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or other similar offense or offenses;

(3) shall have a working knowledge of the fundamentals of community association management, including the Condominium Property Act, the Illinois Not-for-Profit Corporation Act, and any other laws pertaining to community association management; and

(4) shall not have engaged in the following activities: failure to cooperate with any law enforcement agency in the investigation of a complaint; or failure to produce any document, book, or record in the possession or control of the community association manager after a request for production of that document, book, or record in the course of an investigation of a complaint.

(d) Access to community association funds. For community associations of 6 or more units, apartments, townhomes, villas or other residential units, a community association manager or the firm with whom the manager is employed shall not solely and exclusively have access to and disburse funds of a community association unless:

(1) There is a fidelity bond in place.

(2) The fidelity bond is in an amount not less than all monies of that association in the custody or control of the community association manager.

(3) The fidelity bond covers the community association manager and all partners, officers, and employees of the firm with whom the community association manager is employed during the term of the bond, as well as the community association officers, directors, and employees of the community association

who control or disburse funds.

(4) The insurance company issuing the bond may not cancel or refuse to renew the bond without giving not less than 10 days' prior written notice to the community association.

(5) The community association shall secure and pay for the bond.

(e) A community association manager who provides community association management services for more than one community association shall maintain separate, segregated accounts for each community association. The funds shall not, in any event, be commingled with funds of the community association manager, the firm of the community association manager, or any other community association. The maintenance of these accounts shall be custodial, and the accounts shall be in the name of the respective community association.

(f) Exempt persons. Except as otherwise provided, this Section does not apply to any person acting as a receiver, trustee in bankruptcy, administrator, executor, or guardian acting under a court order or under the authority of a will or of a trust instrument.

(g) Right of Action.

(1) Nothing in this amendatory Act of the 95th General Assembly shall create a cause of action by a unit owner, shareholder, or community association member against a community association manager or the firm of a community association manager.

(2) This amendatory Act of the 95th General Assembly shall not impair any right of action by a unit owner or shareholder against a community association board of directors under existing law.".

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

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

HOUSE BILL 1432. Having been reproduced, was taken up and read by title a second time.

Representative Crespo offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 1432 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 370c as follows:

(215 ILCS 5/370c) (from Ch. 73, par. 982c)

Sec. 370c. Mental and emotional disorders.

(a) (1) On and after the effective date of this Section, every insurer which delivers, issues for delivery or renews or modifies group A&H policies providing coverage for hospital or medical treatment or services for illness on an expense-incurred basis shall offer to the applicant or group policyholder subject to the insurers standards of insurability, coverage for reasonable and necessary treatment and services for mental, emotional or nervous disorders or conditions, other than serious mental illnesses as defined in item (2) of subsection (b), up to the limits provided in the policy for other disorders or conditions, except (i) the insured may be required to pay up to 50% of expenses incurred as a result of the treatment or services, and (ii) the annual benefit limit may be limited to the lesser of $10,000 or 25% of the lifetime policy limit.

(2) Each insured that is covered for mental, emotional or nervous disorders or conditions shall be free to select the physician licensed to practice medicine in all its branches, licensed clinical psychologist, licensed clinical social worker, or licensed clinical professional counselor of his choice to treat such disorders, and the insurer shall pay the covered charges of such physician licensed to practice medicine in all its branches, licensed clinical psychologist, licensed clinical social worker, or licensed clinical professional counselor up to the limits of coverage, provided (i) the disorder or condition treated is covered by the policy, and (ii) the physician, licensed psychologist, licensed clinical social worker, or licensed clinical professional counselor is authorized to provide said services under the statutes of this State and in accordance with accepted principles of his profession.

(3) Insofar as this Section applies solely to licensed clinical social workers and licensed clinical professional counselors, those persons who may provide services to individuals shall do so after the licensed clinical social worker or licensed clinical professional counselor has informed the patient of the desirability of the patient conferring with the patient's primary care physician and the licensed clinical social worker or licensed clinical professional counselor has provided written notification to the patient's primary care physician, if any, that services are being provided to the patient. That notification may,

however, be waived by the patient on a written form. Those forms shall be retained by the licensed clinical social worker or licensed clinical professional counselor for a period of not less than 5 years.

(b) (1) An insurer that provides coverage for hospital or medical expenses under a group policy of accident and health insurance or health care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 92nd General Assembly shall provide coverage under the policy for treatment of serious mental illness under the same terms and conditions as coverage for hospital or medical expenses related to other illnesses and diseases. The coverage required under this Section must provide for same durational limits, amount limits, deductibles, and co-insurance requirements for serious mental illness as are provided for other illnesses and diseases. This subsection does not apply to coverage provided to employees by employers who have 50 or fewer employees.

(2) "Serious mental illness" means the following psychiatric illnesses as defined in the most current edition of the Diagnostic and Statistical Manual (DSM) published by the American Psychiatric Association:

(A) schizophrenia;

(B) paranoid and other psychotic disorders;

(C) bipolar disorders (hypomanic, manic, depressive, and mixed);

(D) major depressive disorders (single episode or recurrent);

(E) schizoaffective disorders (bipolar or depressive);

(F) pervasive developmental disorders;

(G) obsessive-compulsive disorders;

(H) depression in childhood and adolescence;

(I) panic disorder; ~~and~~

(J) post-traumatic stress disorders (acute, chronic, or with delayed onset); and ~~.~~

(K) eating disorders, including anorexia nervosa, bulimia nervosa, and Eating Disorders Not Otherwise Specified (EDNOS), as recognized by the most current edition of the DSM.

(3) Upon request of the reimbursing insurer, a provider of treatment of serious mental illness shall furnish medical records or other necessary data that substantiate that initial or continued treatment is at all times medically necessary. An insurer shall provide a mechanism for the timely review by a provider holding the same license and practicing in the same specialty as the patient's provider, who is unaffiliated with the insurer, jointly selected by the patient (or the patient's next of kin or legal representative if the patient is unable to act for himself or herself), the patient's provider, and the insurer in the event of a dispute between the insurer and patient's provider regarding the medical necessity of a treatment proposed by a patient's provider. If the reviewing provider determines the treatment to be medically necessary, the insurer shall provide reimbursement for the treatment. Future contractual or employment actions by the insurer regarding the patient's provider may not be based on the provider's participation in this procedure. Nothing prevents the insured from agreeing in writing to continue treatment at his or her expense. When making a determination of the medical necessity for a treatment modality for serous mental illness, an insurer must make the determination in a manner that is consistent with the manner used to make that determination with respect to other diseases or illnesses covered under the policy, including an appeals process.

(4) A group health benefit plan:

(A) shall provide coverage based upon medical necessity for the following treatment of mental illness in each calendar year:

(i) 45 days of inpatient treatment; and

(ii) beginning on June 26, 2006 (the effective date of Public Act 94-921) ~~this amendatory Act of the 94th General Assembly~~, 60 visits for outpatient treatment including group and individual outpatient treatment; and

(iii) for plans or policies delivered, issued for delivery, renewed, or modified after January 1, 2007 (the effective date of Public Act 94-906) ~~this amendatory Act of the 94th General Assembly~~, 20 additional outpatient visits for speech therapy for treatment of pervasive developmental disorders that will be in addition to speech therapy provided pursuant to item (ii) of this subparagraph (A);

(B) may not include a lifetime limit on the number of days of inpatient treatment or the number of outpatient visits covered under the plan; and

(C) shall include the same amount limits, deductibles, copayments, and coinsurance factors for serious mental illness as for physical illness.

(5) An issuer of a group health benefit plan may not count toward the number of outpatient visits required to be covered under this Section an outpatient visit for the purpose of medication management and

shall cover the outpatient visits under the same terms and conditions as it covers outpatient visits for the treatment of physical illness.

(6) An issuer of a group health benefit plan may provide or offer coverage required under this Section through a managed care plan.

(7) This Section shall not be interpreted to require a group health benefit plan to provide coverage for treatment of:

(A) an addiction to a controlled substance or cannabis that is used in violation of law; or

(B) mental illness resulting from the use of a controlled substance or cannabis in violation of law.

(8) (Blank).

(Source: P.A. 94-402, eff. 8-2-05; 94-584, eff. 8-15-05; 94-906, eff. 1-1-07; 94-921, eff. 6-26-06; revised 8-3-06.)".

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

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

HOUSE BILL 3131. Having been reproduced, was taken up and read by title a second time.

Representative Cross offered and withdrew Amendment No. 1.

Representative Cross offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 3131 by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Sections 4-4 and 6-20 as follows:

(235 ILCS 5/4-4) (from Ch. 43, par. 112)

Sec. 4-4. Each local liquor control commissioner shall also have the following powers, functions and duties with respect to licenses, other than licenses to manufacturers, importing distributors, distributors, foreign importers, non-resident dealers, non-beverage users, brokers, railroads, airplanes and boats.

1. To grant and or suspend for not more than thirty days or revoke for cause all local licenses issued to persons for premises within his jurisdiction;

2. To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Act or any rules or regulations adopted by him or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;

3. To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act of 1986 or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this Act by selling or offering for sale at retail alcoholic liquors without a retailer's license;

4. To receive complaint from any citizen within his jurisdiction that any of the provisions of this Act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided;

5. To receive local license fees and pay the same forthwith to the city, village, town or county treasurer as the case may be.

Each local liquor commissioner also has the duty to notify the Secretary of State of any convictions or dispositions of court supervision for a violation of Section 6-20 of this Act or a similar provision of a local ordinance.

In counties and municipalities, the local liquor control commissioners shall also have the power to levy fines in accordance with Section 7-5 of this Act.

(Source: P.A. 91-357, eff. 7-29-99; 92-804, eff. 1-1-03.)

(235 ILCS 5/6-20) (from Ch. 43, par. 134a)

Sec. 6-20. Transfer, possession, and consumption of alcoholic liquor; restrictions.

(a) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age

shall not purchase, or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession.

(b) If a licensee or his or her agents or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the non-age of the prospective recipient, he or she shall, before making such sale or delivery demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his or her official duties.

(c) No person shall transfer, alter, or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information.

(d) No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this Section.

(e) The consumption of alcoholic liquor by any person under 21 years of age is forbidden.

(f) Whoever violates any provisions of this Section shall be guilty of a Class A misdemeanor.

(g) The possession and dispensing, or consumption by a person under 21 years of age of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a person under 21 years of age under the direct supervision and approval of the parents or parent or those persons standing in loco parentis of such person under 21 years of age in the privacy of a home, is not prohibited by this Act.
(Source: P.A. 90-432, eff. 1-1-98.)

Section 10. The Illinois Vehicle Code is amended by changing Section 6-206 as follows:

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;

5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;

6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;

7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;

8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;

9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;

10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a judicial driving permit, probationary license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's

driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, or an intoxicating

compound as listed in the Use of Intoxicating Compounds Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code;

35. Has committed a violation of Section 11-1301.6 of this Code;

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

37. Has committed a violation of subsection (c) of Section 11-907 of this Code;

38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance;

39. Has committed a second or subsequent violation of Section 11-1201 of this Code;

40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code;

41. Has committed a second or subsequent violation of Section 11-605.1 of this Code within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days; ~~or~~

42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code; or .

43. Has received a disposition of court supervision for a violation of subsection (a), (d), or (e) of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance, in which case the suspension shall be for a period of 3 months.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked

without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of his employment related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination of those offenses, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section 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 issued under this Code 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 a 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. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-3) In the case of a suspension under paragraph 43 of subsection (a), reports received by the Secretary of State under this Section shall, except during the actual time the suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities, driver licensing administrator of any other state, or the Secretary of State. However, beginning January 1, 2008, if the person is a CDL holder, the suspension shall also be made available to the driver licensing administrator of any other state, the U.S. Department of Transportation, and the affected driver or motor carrier or prospective motor carrier upon request.

(c-4) In the case of a suspension under paragraph 43 of subsection (a), the Secretary of State shall notify the person by mail that his or her driving privileges and driver's license will be suspended one month after the date of the mailing of the notice.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 18 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(f) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended or revoked under any provisions of this Code.

(Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04; 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff. 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

Section 99. Effective date. This Act takes effect January 1, 2008.".

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 1455. Having been reproduced, was taken up and read by title a second time.

Representative Fritchey offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 1455 by replacing everything after the enacting clause with the following:

"Section 5. The Sale of Tobacco to Minors Act is amended by changing Section 1 as follows:

(720 ILCS 675/1) (from Ch. 23, par. 2357)

Sec. 1. Prohibition on sale of tobacco to minors; use of identification cards; vending machines; lunch wagons; out-of-package sales.

(a) No minor under 18 years of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms, to any minor under 18 years of age.

(a-5) No minor under 16 years of age may sell any cigar, cigarette, smokeless tobacco, or tobacco in any of its forms at a retail establishment selling tobacco products. This subsection does not apply to a sales clerk in a family-owned business which can prove that the sales clerk is in fact a son or daughter of the owner.

(a-6) No minor under 18 years of age in the furtherance or facilitation of obtaining any cigar, cigarette, smokeless tobacco, or tobacco in any of its forms shall display or use a false or forged identification card or transfer, alter, or deface an identification card.

For the purpose of this Section, "smokeless tobacco" means any tobacco products that are suitable for dipping or chewing.

(b) Tobacco products listed above may be sold through a vending machine only if such tobacco products are not placed together with any non-tobacco product, other than matches, in the vending machine and the vending machine is in any of the following locations:

~~(1) Factories, businesses, offices, private clubs, and other places not open to the general public.~~

(1) ~~(2)~~ Places to which minors under 18 years of age are not permitted access.

~~(3) Places where alcoholic beverages are sold and consumed on the premises.~~

~~(4) Places where the vending machine is under the direct supervision of the owner of the establishment or an employee over 18 years of age. The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person. As used in this subdivision, "direct supervision" means that the owner or employee has an unimpeded line of sight to the vending machine.~~

(2) ~~(5)~~ Places where the vending machine can only be operated by the owner or an employee over age 18 either directly or through a remote control device if the device is inaccessible to all customers.

(c) The sale or distribution at no charge of cigarettes from a lunch wagon engaging in any sales activity within 1,000 feet of any public or private elementary or secondary school grounds is prohibited.

For the purpose of this Section, "lunch wagon" means a mobile vehicle designed and constructed to transport food and from which food is sold to the general public.

(d) The sale or distribution by any person of a tobacco product listed above, including but not limited to a single or loose cigarette, that is not contained within a sealed container, pack, or package as provided by

the manufacturer, which container, pack, or package bears the health warning required by federal law, is prohibited.
(Source: P.A. 93-284, eff. 1-1-04; 93-886, eff. 1-1-05.)".

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 1716. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation and Motor Vehicles, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1716 on page 25, immediately below line 24, by inserting the following:

"Section 80. Upon the payment of the sum of $9,825 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Sangamon County, Illinois:
Parcel No. 675X300
Part of the Northeast Quarter of Section 11, Township 16 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, further described as follows:
Commencing at stone marking the northeast corner of said Section 11; thence South 00 degrees 11 minutes 47 seconds East, 20.50 feet along the east line of said Northeast Quarter, Section 11 to the Point of Beginning; thence continuing South 00 degrees 11 minutes 47 seconds East, 129.42 feet along said east line to a point on the existing easterly right-of-way line of the original S.B.I. Route 24 (Sand Hill Road); thence along said easterly right-of-way line, along a curve to the left having a radius of 162.80 feet, an arc length of 18.42 feet and a chord bearing South 21 degrees 47 minutes 57 seconds West, 18.41 feet; thence South 18 degrees 33 minutes 26 seconds West, 57.98 feet along said existing easterly right-of-way line; thence North 89 degrees 22 minutes 56 seconds West, 80.41 feet to a point on the existing westerly right-of-way line of said original S.B.I. Route 24 (Sand Hill Road); thence North 18 degrees 09 minutes 46 seconds East, 220.54 feet along said existing westerly right-of-way line; thence South 76 degrees 13 minutes 50 seconds East, 37.59 feet to the Point of Beginning. Containing 13862 square feet, or 0.318 acres, more or less.".

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

Representative Verschoore offered the following amendments and moved their adoption:

AMENDMENT NO. 3. Amend House Bill 1716, AS AMENDED, immediately below Section 90, by inserting the following:

"Section 95. Upon the payment of the sum of $2,200 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Madison County, Illinois, to WR Acquisitions, LLC:
Parcel No. 800XC17
A tract of ground in the S. E. 1/4, S. E. 1/4, Section 22-5-9 described as follows:
Beginning at the intersection at the east right of way line of State Aid Route 44 and the north right of way line of Miland Avenue (Old Vaughn Road); thence North 35 degrees 29 minutes East along the east right of way line of State Aid Route 44 a distance of twenty-eight and no tenths (28.0') feet to a point, thence South 54 degrees 31 minutes East a distance of forty-four and thirty-two hundredths (44.32') feet to a point on the north right of way line of Miland Avenue (Old Vaughn Road); thence North 86 degrees 48 minutes West along the north right of way line of Miland Avenue (Old Vaughn Road) to the Point of Beginning.
Containing 0.014 Acres, more or less.

Section 100. Upon the payment of the sum of $25,434 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Madison County, Illinois, to WR Acquisitions, LLC:

Parcel No. 800XC04

That part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 5 North, Range 9 West of the Third Principal Meridian, City of Wood River, Madison County, Illinois, described as follows:

Commencing at southwesterly corner of lot 4 of "Woodriver Crossing as recorded in Plat Book 65, Page 56; thence northeasterly 201.26 feet on a curve to the right, having a radius of 1372.69 feet, the chord of said curve bears North 42 degrees 08 minutes 53 seconds East, 201.08 feet to the Point of Beginning;

From said Point of Beginning; thence northeasterly 88.41 feet on a curve to the right and concentric with centerline of Illinois Route 111 (FAS 762 [SA 44]) as recorded in Road Record 7, Page 108, having a radius of 1,372.69 feet, the chord of said curve bears North 48 degrees 11 minutes 37 seconds East, 88.39 feet to a point on said easterly right of way line of said Route 111; thence on said easterly right of way line the following (2) courses and distances: 1) South 06 degrees 24 minutes 45 seconds East, parallel and 16.5 feet perpendicular distant from the east line of said Section 22, 106.68 feet; 2) thence North 58 degrees 49 minutes 05 seconds West, 90.94 feet to the Point of Beginning.

Parcel 800XC04 contains 0.0892 acre or 3,885 square feet, more or less.

Section 105. Upon the payment of the sum of $2,900 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Brown County, Illinois:

Parcel No. 675X269

A part of the Northwest Quarter of the Southwest Quarter of Section 16, Township 1 South, Range 3 West of the Fourth Principal Meridian, Brown County, Illinois, described as follows:

Commencing at a pin at the southwest corner of said Section 16; thence along the west line of said Section 16, North 00 degrees 13 minutes 30 seconds East, 1312.94 feet; thence South 89 degrees 12 minutes 43 seconds East, 13.95 feet to a point on the old centerline of Illinois Route 107 (which has been removed) and the Point of Beginning; thence North 00 degrees 47 minutes 17 seconds East, 198.28 feet; thence North 73 degrees 27 minutes 36 seconds East, 41.90 feet; thence South 00 degrees 47 minutes 17 seconds West, 210.76 feet; thence North 89 degrees 12 minutes 43 seconds West, 40.00 feet to the Point of Beginning, containing 0.188 acre, more or less.

Subject to a permanent easement being a 10 feet wide strip being 5 feet on either side of an existing 18" storm sewer pipe located between Station 25+20.66 at 69.62 feet right to Station 27+03.77 at 134.58 feet right and as shown on the excess land plat 675X269.

Section 110. Upon the payment of the sum of $6,767 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Brown County, Illinois:

Parcel No. 675X260

A part of the Northeast Quarter of the Southeast Quarter of Section 17 and a part of the Northwest Quarter of the Southwest Quarter of Section 16, all in Township 1 South, Range 3 West of the Fourth Principal Meridian, Brown County, Illinois described as follows:

Commencing at pin at the southeast corner of said Section 17; thence along the east line of said Section 17, North 00 degrees 13 minutes 30 seconds East, 1312.94 feet to the Point of Beginning; thence North 89 degrees 12 minutes 43 seconds West, 31.36 feet; thence North 00 degrees 46 minutes 25 seconds East, 356.35 feet; thence South 89 degrees 41 minutes 35 seconds East, 45.00 feet to the old centerline of Illinois Route 107 (which has been removed); thence South 00 degrees 29 minutes 19 seconds West, 76.73 feet; thence South 00 degrees 47 minutes 17 seconds West, 280.00 feet; thence North 89 degrees 12 minutes 43 seconds West, 13.95 feet to the Point of Beginning, containing 0.371 acre, more or less.

Subject to a permanent easement being a 10 feet wide strip being 5 feet on either side of an existing 24' storm sewer pipe located between Station 23+66.64 at 71.32 feet right to Station 26+90.03 at 172.75 feet right and as shown on the excess land plat 675X260.

Section 115. Upon the payment of the sum of $10,717 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Christian County, Illinois:

Parcel No. 675X291

A part of the Northwest Quarter of Section 24, Township 11 North, Range 1 East of the Third Principal Meridian, Christian County, Illinois, described as follows:

Commencing at a pin found at the northwest corner of said Section 24; thence along the west line of said Section 24, South 00 degrees 28 minutes 53 seconds East, 49.31 feet; thence North 88 degrees 28 minutes 19 seconds East, 3.28 feet to a point on the east existing right of way line of S.B.I. Route 16 (U.S. Route

51) being the Point of Beginning; thence southeasterly along the existing right of way line on a curve having a radius of 510.70 feet, an arc length of 439.77 feet and a chord bearing South 45 degrees 55 minutes 10 seconds East, 426.31 feet to a point 60 feet normal distance from the centerline of Illinois Route 16; thence along a line 60 feet north and parallel with said centerline, South 89 degrees 48 minutes 11 seconds West, 143.49 feet; thence North 86 degrees 29 minutes 10 seconds West, 154.50 feet; thence North 01 degree 42 minutes 03 seconds West, 287.72 feet to the Point of Beginning, containing 0.691 acre, more or less.

Section 120. Upon the payment of the sum of $2,500 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in LaSalle County, Illinois:

Parcel No. 3LR0109

That part of Section 24, Township 33 North, Range 1 East of the Third Principal Meridian, described as follows:

Commencing at the southwest corner of said Section 24; thence North 00 degrees 18 minutes 30 seconds West, 1,174.76 feet on the west line of said Section 24 to the existing centerline of IL 71; thence North 67 degrees 12 minutes 17 seconds East, 1,574.47 feet on said existing centerline; thence South 22 degrees 47 minutes 43 seconds East, 103.22 feet to the northerly line of "Old" Route 71 and the Point Of Beginning; thence continuing South 22 degrees 47 minutes 43 seconds East, 66.47 feet to the southerly line of "Old" Route 71; thence South 41 degrees 42 minutes 59 seconds West, 263.78 feet on said southerly line of "Old" Route 71; thence southwesterly 337.12 feet along a 724.70 foot radius curve to the right having a chord of South 55 degrees 03 minutes 28 seconds West, 334.09 feet on said southerly line; thence South 67 degrees 29 minutes 04 seconds West, 119.79 feet on said southerly line; thence South 73 degrees 51 minutes 59 seconds West, 250.00 feet on said southerly line; thence North 16 degrees 08 minutes 01 second West, 100.00 feet to the northerly line of "Old" Route 71; thence North 73 degrees 51 minutes 59 seconds East, 250.00 feet on said northerly line; thence South 83 degrees 48 minutes 01 second East, 139.95 feet on said northerly line; thence northeasterly 284.51 feet along a 664.70 foot radius curve to the left having a chord of North 53 degrees 59 minutes 35 seconds East, 282.34 feet on said northerly line; thence North 41 degrees 42 minutes 59 seconds East, 292.36 feet on said northerly line to the Point Of Beginning, containing 1.626 acres, more or less, and all being situated in Deer Park Township, LaSalle County, Illinois.

Section 125. Upon the payment of the sum of $2,000 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights of easement of access, crossing, light, air and view from, to and over the following described line and US Route 40 (FA-12) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 800XC10

A line on the existing southeasterly right-of-way line of F.A.P. Route 12 (U.S. Route 40), in the East half of the Southeast Quarter of Section 22, Township 4 North, Range 5 West of the Third Principal Meridian in Madison County, State of Illinois, described as follows:

Commencing at the southeast corner of the Southeast Quarter of said Section 22; thence on an assumed bearing of North 02 degrees, 14 minutes, 02 seconds West, on the east line of said Southeast quarter, 1,968.24 feet to the Point of Beginning, said Point of Beginning being on the southeasterly right-of-way line of F.A.P. Route 12 (U.S. Route 40) as established according to the dedication of right-of-way for a freeway recorded November 17, 1948 in Book 1096 on Page 283.

From said Point of Beginning; thence North 81 degrees, 36 minutes, 38 seconds West on said existing southeasterly right-of-way line, 38.27 feet to the southeasterly right-of-way line of F.A.P. Route 12 (U.S. Route 40) as established according to the warranty deed recorded May 27, 1940 in Book 810 on Page 7; thence southwesterly 744.38 feet on said southeasterly right-of-way line as established according to said warranty deed recorded May 27, 1940 in Book 810 on Page 7, being a non-tangent curve to the right, having a radius of 9,624.30 feet, the chord of said curve bears South 48 degrees, 54 minutes, 50 seconds West, 744.20 feet to the northwest corner of the tract of land described in Warranty Deed recorded July 15, 1998 in book 4252 on page 2192, said northwest corner being the Point of Terminus of said line.

Section 130. Upon payment of the sum of $78,666 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and US Route 51 (FA 2) in Macon County are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 5X71001

Direct access to F.A. Route 2 (U.S. Route 51) shall be restored to 81 feet of a tract of land abutting the

westerly right of way line of said highway; commencing at the intersection of the south line of the North Half (N 1/2) Northeast Quarter, Northeast Quarter of Section 34, Township 17 North, Range 2 East, 3rd P.M. with the existing westerly right of way line of F.A. 2 and being 68.00 feet left of centerline station 86+09.06; thence North 01 degree 21 minutes 38 seconds East (Assumed Bearing) along said westerly right of way line 211.94 feet to the Point of Beginning, said point being 68.00 feet left of centerline station 88+21; thence 81.00 feet northerly along said west right of way line to a point 68.00 feet left of centerline station 89+02.

Section 135. Upon the payment of the sum of $1,500 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FAP Route 12 (US 40) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 800XC20

A line in a part of the Southwest Quarter of Section 34, situated in Township 5 North, Range 4 West of the Third Principal Meridian, Bond County, Illinois, said line being described as follows:

Commencing at the southwest corner of said Section 34; thence on the south line of the Southwest quarter of Section 34 on an assumed bearing of South 89 degrees 01 minute 01 second East, a distance of 353.34 feet; thence North 01 degree 04 minutes 48 seconds West on a line parallel with the west line of the Southwest Quarter of Section 34, a distance 85.45 feet to the north right of way line of U.S. Route 40 (150 feet wide) to a set iron rod at the Point of Beginning;

From said Point of Beginning; thence on said north right of way line South 88 degrees 25 minutes 10 seconds East, 421.13 feet to a set iron rod at the Point of Terminus.

Section 140. Upon the payment of the sum of $1,000 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in St. Clair County, Illinois, to Benjamin R. Brown.

Parcel No. 800XB67

A part of Lot 28E of the Subdivision of Lot 28 in Brackett's Subdivision of Lot 1 in Section 21, Township 1 North, Range 8 West of the Third Principal Meridian, St. Clair County, Illinois, according to the plat recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Deeds 203, on page 462, and described as follows:

Commencing at a stone found at the northwest corner of Lot 28D in the Subdivision of Lot 28 in Brackett's Subdivision of Lot 1 in Section 21, Township 1 North, Range 8 West of the Third Principal Meridian, St. Clair County, Illinois, according to the plat recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Deeds 203, on page 462; thence on an assumed bearing of South 83 degrees 07 minutes 33 seconds East on the southerly line of "J" Street, 99.83 feet to the existing westerly right of way line of FA Route 600 (a/k/a/ Illinois Route 159 and North Illinois Street); thence South 84 degrees 10 minutes 50 seconds East, 83.65 feet to a point on the southerly right of way line of "J" Street, said point being the northwesterly corner of a tract of land described in the Warranty Deed to the State of Illinois, recorded in St. Clair County in Book 3199, on page 1430 on October 24, 1997; thence South 83 degrees 34 minutes 59 seconds East on the southerly right of way line of "J" Street, also being the northerly line of the aforesaid tract of land, 10.00 feet to the Point of Beginning.

From said Point of Beginning; thence continuing South 83 degrees 34 minutes 59 seconds East on said southerly right of way line of "J" Street, 45.00 feet; thence South 44 degrees 59 minutes 41 seconds West, 70.34 feet; thence North 05 degrees 13 minutes 51 seconds East, 55.00 feet to the Point of Beginning.

Parcel 800XB67 herein described contains 0.0284 acre or 1,237 square feet, more or less.

Section 145. Upon the payment of the sum of $787 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Winnebago County, Illinois:

Parcel No. 2DWIX24

A parcel of land in the Southeast Quarter of Section 19, Township 45 North, Range 2 East of the Third Principal Meridian, Winnebago County, State of Illinois, described as follows:

Commencing at a 3/4" iron pin at the northeast corner of the Southeast Quarter of said Section 19; thence South 1 degree 32 minutes 58 seconds East, 1,117.51 feet on the east line of said Southeast Quarter, to the north line of the premises conveyed to Earl D. Owens, Sr. and Sandra Lou Owens from Earl D. Owens, Sr. and Sandra Lou Owens by Warranty Deed dated January 7, 1987 and recorded as Document No. 87 01 2357 in the Recorder's Office of Winnebago County; thence South 87 degrees 59 minutes 13 seconds West, 538.30 feet on the north line of said premise so conveyed, to the northeast corner of the premises conveyed

to the State of Illinois Department of Public Works from William L. Grayum and Beulah Mae Grayum by Instrument dated October 14, 1955 and recorded in Book 984 of Deeds on Page 513 in said Recorder's Office, and the Point of Beginning.

From the Point of Beginning thence South 1 degree 38 minutes 05 seconds East, 74.97 feet on the east line of said premises so conveyed, to the southeast corner thereof; thence South 87 degrees 57 minutes 47 seconds West, 71.21 feet on the south line of said premises so conveyed, to the easterly right of way line of a public highway designated FA Route 188 (IL 251); thence North 31 degrees 29 minutes 57 seconds East, 89.95 feet on said easterly right of way line and the extension thereof, to the north line of said premises so conveyed; thence North 87 degrees 59 minutes 13 seconds East, 22.04 feet, to the Point of Beginning, containing 3,496 square feet (0.080 acre), more or less.

Section 150. Upon the payment of the sum of $116,500 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Champaign County, Illinois:

Parcel No. 5X00121A

Part of the East Half of the Northwest Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, also being part of a tract described in dedication of right-of-way for freeway recorded in book 520 at page 547 as document number 544635 in the Champaign County Recorder's Office, all in the City of Urbana, Champaign County, Illinois, more particularly described as follows:

Commencing at the southeast corner of the Northeast Quarter of Section 5, Township 19 North, Range 9 East of the Third Principal Meridian; thence North 00 degrees 43 minutes 06 seconds West, along the east line of said Northeast Quarter of Section 5, 17.3 feet to the surveyed centerline of Federal Aid Route 29 (FAI 74); thence southeasterly, along said surveyed centerline, a curve to the right, convex to the north, with a radius of 11,854.3 feet and an initial tangent bearing South 80 degrees 28 minutes 48 seconds East, a distance of 1,475.60 feet to a point on the centerline of State Bond Issue Route 25 (U.S. Route 45); thence North 24 degrees 24 minutes 43 seconds East, along said centerline of State Bond Issue Route 25, 1,530.3 feet to a point at station 53+32.37 on said centerline, said point referenced as point "A" of a tract described in dedication of right-of-way for freeway recorded in book 520 at page 547 as document number 544635 in the Champaign County Recorder's Office; thence South 89 degrees 39 minutes 13 seconds West, 110.13 feet to a point on the proposed west right-of-way line of said Route 45, said point lying 100.00 feet normal distance west of station 52+86.39 on said centerline, said point also being the true Point of Beginning; thence continuing South 89 degrees 39 minutes 13 seconds West, along said proposed west right-of-way line, 11.98 feet to a point lying 110.88 feet normal distance west of station 52+81.37 on said centerline, said point also lying on the proposed east right-of-way line of Anthony Drive; thence northerly, along said proposed east right-of-way line of Anthony Drive, a curve to the left, convex to the east with a radius of 383.00 feet, and an initial tangent bearing North 02 degrees 16 minutes 56 seconds West, a distance of 99.49 feet to a point on the existing west right-of-way line of aforesaid U.S. Route 45, said point lying 159.85 feet normal distance west of station 53+67.67 on said centerline; thence North 24 degrees 23 minutes 31 seconds East, along said existing west right-of-way line, 181.82 feet to a point lying 159.92 feet normal distance west of station 55+49.49 on said centerline, said point referenced as point "C" of said tract described in said dedication of right-of-way for freeway; thence South 65 degrees 36 minutes 29 seconds East, along the north line of said tract and south line of a tract conveyed to the people of the State of Illinois by warranty deed recorded in book 1005 at page 199 as document number 73R6765 in the Champaign County Recorder's Office, 59.91 feet to a point on the proposed west right-of-way line of said U.S. Route 45, said point lying 100.00 feet normal distance west of station 55+49.51 on said centerline; thence South 24 degrees 24 minutes 43 seconds West, along said proposed west right-of-way line, 263.13 feet to the Point of Beginning, containing 13,685 square feet, (0.314 acres), more or less, all situated in the City of Urbana, Champaign County, Illinois.

AND:

The Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Champaign County, Illinois, to City of Urbana.

Parcel No. 5X00121B

Part of the East Half of the Northwest Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian, also being part of a tract conveyed to the people of the State of Illinois by warranty deed recorded in book 1005 at page 199 as document number 73R6765 in the Champaign County Recorder's Office, all in the City of Urbana, Champaign County, Illinois, more particularly described as follows:

Commencing at the northeast corner of the Northwest Quarter of Section 4, Township 19 North, Range 9 East of the Third Principal Meridian; thence North 89 degrees 29 minutes 49 seconds East, along the north line of the Northeast Quarter of said Section 4, 96.11 feet to a point on the existing west right-of-way line of State Bond Issue Route 25 (U.S. Route 45); thence South 24 degrees 23 minutes 31 seconds West, along said existing westerly right-of-way line, 1,096.26 feet; thence South 89 degrees 33 minutes 30 seconds West, along said existing west right-of-way line, 40.97 feet; thence southerly, along said existing west right-of-way line, a curve to the right, convex to the east with a radius of 468.00 feet and an initial tangent bearing South 28 degrees 26 minutes 14 seconds West, a distance of 73.62 feet to a point of tangency; thence South 39 degrees 28 minutes 39 seconds West, along said existing west right-of-way line, 66.27 feet to a point lying 125.37 feet normal distance west of station 57+99.25 on the centerline of said State Bond Issue Route 25 (U.S. Route 45), said point also being the true Point of Beginning; thence South 21 degrees 52 minutes 51 seconds East, along the proposed south right-of-way line of O'Brien Drive, 35.09 feet to a point on the proposed west right-of-way line of said U.S. Route 45, said point lying 100.00 feet normal distance west of station 57+75.00 on said centerline; thence South 24 degrees 24 minutes 43 seconds West, along said proposed west right-of-way line, 225.49 feet to a point lying 100.00 feet normal distance west of station 55+49.51 on said centerline, said point also lying on the south line of a tract conveyed to the people of the State of Illinois by warranty deed recorded in book 1005 at page 199 as document number 73R6765 in the Champaign County Recorder's Office; thence North 65 degrees 36 minutes 29 seconds West, along said south line and north line of a tract described in dedication of right-of-way for freeway recorded in book 520 at page 547 as document number 544635 in the Champaign County Recorder's Office, 59.91 feet to a point on the aforesaid existing west right-of-way line of U.S. Route 45, said point lying 159.92 feet normal distance west of station 55+49.49 on said centerline; thence North 24 degrees 23 minutes 31 seconds East, along said existing west right-of-way line, 44.64 feet to a point on curve, said point lying 159.93 feet normal distance west of station 55+94.13 on said centerline; thence northerly, along said existing west right-of-way line, a curve to the right, convex to the west, with a radius of 332.00 feet and an initial tangent bearing North 19 degrees 31 minutes 02 seconds East, a distance of 115.93 feet to a point of tangency, said point lying 149.66 feet normal distance west of station 57+09.01 on said centerline; thence North 39 degrees 28 minutes 39 seconds East, along said existing west right-of-way line, 93.45 feet to the Point of Beginning, containing 12,436 square feet, (0.285 acres), more or less, all situated in the City of Urbana, Champaign County, Illinois.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from US Route 45, previously declared a freeway.".

AMENDMENT NO. 4. Amend House Bill 1716, AS AMENDED, immediately below Section 150, by inserting the following:

"Section 155. Upon the payment of the sum of $188,666.67 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and US Route 30 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 1WY1015

RELEASE OF ACCESS CONTROL

That part of the Northwest Quarter of Section 2, Township 37 North, Range 7 East of the Third Principal Meridian in Kendall County, Illinois, described as follows:

Commencing at the northwest corner of Lakewood Creek West - Unit 2, being a subdivision of part of the North Half of said Section 2, according to the plat thereof recorded August 15, 2003, as Document No. 200300028799; thence on an assumed bearing of North 89 degrees 29 minutes 55 seconds West, 575.00 feet along the southerly right-of-way line of U.S. Route 30 per Document No. 116443 to the Point of Beginning of Access Control to be released; thence continuing North 89 degrees 29 minutes 55 seconds West, 70.00 feet along said southerly right-of-way line to the end of said Access Control Release.

Section 160. Upon the payment of the sum of $253,416.67 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and US Route 30 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 1WY1050

That part of Section 2, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at a point on the north line of the Northwest Quarter of said Section 2, distance of

594.00 feet east of the northwest corner thereof, point also being the northerly end of a monumented line of occupation and as described in a deed in trust recorded as Document 921002; thence South 43 degrees 59 minutes 53 seconds East along said monumented line, 4309.44 feet to the westerly line of U.S. Route 34; thence North 88 degrees 38 minutes 28 seconds West along said westerly line, 156.39 feet; thence North 65 degrees 19 minutes 53 seconds West along the north line of U.S. Route 30, a distance of 500.00 feet; thence North 67 degrees 54 minutes 28 seconds West along said north line, 80.36 feet to the Point of Beginning of the Access Control Release; thence continuing North 67 degrees 54 minutes 28 seconds West along said north line, 91.00 feet to the End of the Access Control Release, Kendall County, Illinois.".

AMENDMENT NO. 5. Amend House Bill 1716, AS AMENDED, immediately below the last line of Section 80, by inserting the following:

"Section 85. Upon the payment of the sum of $4,766,666 to the State of Illinois, Grantor, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Cook County, Illinois, to the City of Chicago, Grantee.

Parcel No. 0ZZ0737

A parcel of land comprising parts of Lots 6, 7, 8, 9, 11, 22, 24 and all of Lots 10 and 23 in Elijah K. Hubbard's Subdivision of Block 16, and parts of Lots 6, 8 and all of Lot 7 in Elijah K. Hubbard's Subdivision of Block 15, together with part of Vacated Cabrini Street and Vacated Arthington Street, all in Section 16, Township 39 North, Range 14 East of the Third Principal Meridian, described as follows: Commencing at a Iron Pipe Found at the Northwest corner of Lot 11 in Elijah K. Hubbard's Subdivision of Block 15; thence South 89 degrees 43 minutes 02 seconds East along said South line of Vacated Arthington Street, 30.00 feet; thence North 00 degrees 35 minutes 07 seconds East along a line 30 feet East of and Parallel to the West line of Lot 6 in Elijah K. Hubbard's Subdivision of Block 15 extended southerly to a point on the centerline of Vacated Arthington Street also being the Point of Beginning; thence continuing North 00 degrees 35 minutes 07 seconds East along a line 30 feet East of and Parallel to the West line of said Lots 6 and 22 in Elijah K. Hubbard's Subdivision of Block 15 and the West line of said Lots 6 and 11 in Elijah K. Hubbard's Subdivision of Block 16, 500.53 feet to a Point on the South line of Polk Street being 30 feet East of the Northwest corner of Lot 6 in Elijah K. Hubbard's Subdivision of Block 16; thence South 89 degrees 02 minutes 29 seconds East along the South line of Polk Street, 100.00 feet to the intersection with the West line of South Des Plaines Street (as widened); thence South 00 degrees 35 minutes 07 seconds West, 499.35 feet to a point on the centerline of Vacated Arthington Street; thence North 89 degrees 43 minutes 02 seconds West along the centerline of Vacated Arthington Street, 100.00 feet to the Point of Beginning, in Cook County, Illinois.

Containing 1.148 acres, more or less.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FAI Route 90/94, previously declared a freeway.

and,

The Property is conveyed AS-IS, WHERE-IS, WITH ALL FAULTS, AND WITHOUT ANY REPRESENTATION OR WARRANTY WHATSOEVER, EXPRESS OR IMPLIED, AS TO ITS CONDITION, ENVIRONMENTAL OR OTHERWISE, OR ITS SUITABILITY OR SUFFICIENCY FOR THE GRANTEE'S INTENDED USES AND PURPOSES. Grantee acknowledges that adverse physical, economic or other conditions (including without limitation, adverse environmental soils and ground-water conditions), either latent or patent, may exist on the property and assumes the Grantor's responsibility for all environmental conditions of the property, known or unknown, including but not limited to responsibility, if any, for investigation, removal or remediation actions relating to the presence, release or threatened release of any hazardous substance or other environmental contamination relating to the property. The Grantee also releases, covenants not to sue, and shall indemnify, defend, and hold the Grantor and its past, present and future officials, employees, and agents, harmless from and against any and all claims, demands, penalties, fees, damages, losses, expenses (including but not limited to fees and costs of regulatory agencies, attorneys, contractors and consultants), and liabilities arising out of, or in any way connected with, the condition of the property including but not limited to any alleged or actual past, present or future presence, release or threatened release of any hazardous substance in, on, under or emanating from the property, or any portion thereof or improvement thereon, from any cause whatsoever; it being intended that the Grantee shall so indemnify the Grantor and such personnel without regard to any fault or responsibility of the Grantor or the Grantee. The obligation to complete all environmental investigation,

removal or remediation of the property and the acknowledgements, releases, and covenants herein touch and concern the property, are intended to run with the land and bind the Grantee and Grantee's successors and assigns, and inure to the benefit of the Grantor and its successors and assigns.

For purposes of this COVENANT, the term "Hazardous Substance" shall mean petroleum products and compounds containing them; flammable materials; radioactive materials; polychlorinated biphenyls ("PCBs") and compounds containing them; lead; asbestos or asbestos-containing materials in any friable form; underground or above-ground storage tanks; and any substance or material that is now or hereafter becomes regulated under any federal, State, or local statute, ordinance, rule, regulation, or other law relating to environmental protection, contamination or cleanup.

The Grantee's release and covenant not to sue shall include both claims by the Grantee as original plaintiff against the Grantor and any cross-claims, third-party claims or other claims against the Grantor by the Grantee based upon claims made against the Grantee by any third parties. The obligation to indemnify and defend shall include, but not be limited to, any liability of the Grantor to any and all federal, State or local regulatory agencies or other persons or entities for remedial action costs and natural resources damages claims. This COVENANT means that the Grantee accepts the property "as-is, where-is and with-all-faults," and that the Grantee assumes all responsibility of the Grantor to investigate, remove and remediate any contamination and other adverse environmental conditions on the property, and has no recourse against the Grantor or any of its officers, employees or agents for any claim or liability with respect to the property.

This COVENANT shall apply regardless of whether or not the Grantee is culpable, negligent or in violation of any law, ordinance, rule or regulation. Nothing herein shall release, discharge or affect any rights or causes of action that the Grantor or the Grantee may have against any other person or entity, except as otherwise expressly stated herein, and each of the parties reserves all such rights including, but not limited to, claims for contribution or cost recovery relating to any hazardous substance in, on, under or emanating from the property.

Section 90. Upon the payment of the sum of $578,667 to the State of Illinois, Grantor, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Cook County, Illinois, to the City of Chicago, Grantee.

Parcel No. 0ZZ0326

That part of the Southeast Quarter of Section 2, Township 37 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois, described as follows:

Commencing at the intersection of the north right of way line of 95th Street with the west right of way line of Stony Island Avenue; thence on an assumed bearing of North 01 degree 24 minutes 01 second West, on said west right of way line, 40.00 feet to the Point of Beginning; thence South 43 degrees 29 minutes 11 seconds West, 28.34 feet; thence South 88 degrees 22 minutes 22 seconds West, parallel with the north right of way line of said 95th Street, 246.08 feet; thence North 01 degree 37 minutes 38 seconds West, 150.01 feet; thence North 88 degrees 22 minutes 27 seconds East, 266.67 feet to the west right of way line of said Stony Island Avenue; thence South 01 degree 24 minutes 01 second East, on said west right of way line, 130.00 feet to the Point of Beginning.

Said parcel containing 0.9127 acre, more or less.

Subject to the following;

No access will be permitted to the subject property from Stony Island Avenue. A right-in/right-out only driveway will be permitted from 95th Street.

and,

The Property is conveyed AS-IS, WHERE-IS, WITH ALL FAULTS, AND WITHOUT ANY REPRESENTATION OR WARRANTY WHATSOEVER, EXPRESS OR IMPLIED, AS TO ITS CONDITION, ENVIRONMENTAL OR OTHERWISE, OR ITS SUITABILITY OR SUFFICIENCY FOR THE GRANTEE'S INTENDED USES AND PURPOSES. Grantee acknowledges that adverse physical, economic or other conditions (including without limitation, adverse environmental soils and ground-water conditions), either latent or patent, may exist on the property and assumes the Grantor's responsibility for all environmental conditions of the property, known or unknown, including but not limited to responsibility, if any, for investigation, removal or remediation actions relating to the presence, release or threatened release of any hazardous substance or other environmental contamination relating to the property. The Grantee also releases, covenants not to sue, and shall indemnify, defend, and hold the Grantor and its past, present and future officials, employees, and agents, harmless from and against any and all claims, demands, penalties, fees, damages, losses, expenses (including but not limited to fees and costs of regulatory agencies, attorneys, contractors and consultants), and liabilities arising out of, or in any way

connected with, the condition of the property including but not limited to any alleged or actual past, present or future presence, release or threatened release of any hazardous substance in, on, under or emanating from the property, or any portion thereof or improvement thereon, from any cause whatsoever; it being intended that the Grantee shall so indemnify the Grantor and such personnel without regard to any fault or responsibility of the Grantor or the Grantee. The obligation to complete all environmental investigation, removal or remediation of the property and the acknowledgements, releases, and covenants herein touch and concern the property, are intended to run with the land and bind the Grantee and Grantee's successors and assigns, and inure to the benefit of the Grantor and its successors and assigns.

For purposes of this COVENANT, the term "Hazardous Substance" shall mean petroleum products and compounds containing them; flammable materials; radioactive materials; polychlorinated biphenyls ("PCBs") and compounds containing them; lead; asbestos or asbestos-containing materials in any friable form; underground or above-ground storage tanks; and any substance or material that is now or hereafter becomes regulated under any federal, State, or local statute, ordinance, rule, regulation, or other law relating to environmental protection, contamination or cleanup.

The Grantee's release and covenant not to sue shall include both claims by the Grantee as original plaintiff against the Grantor and any cross-claims, third-party claims or other claims against the Grantor by the Grantee based upon claims made against the Grantee by any third parties. The obligation to indemnify and defend shall include, but not be limited to, any liability of the Grantor to any and all federal, State or local regulatory agencies or other persons or entities for remedial action costs and natural resources damages claims. This COVENANT means that the Grantee accepts the property "as-is, where-is and with-all-faults," and that the Grantee assumes all responsibility of the Grantor to investigate, remove and remediate any contamination and other adverse environmental conditions on the property, and has no recourse against the Grantor or any of its officers, employees or agents for any claim or liability with respect to the property.

This COVENANT shall apply regardless of whether or not the Grantee is culpable, negligent or in violation of any law, ordinance, rule or regulation. Nothing herein shall release, discharge or affect any rights or causes of action that the Grantor or the Grantee may have against any other person or entity, except as otherwise expressly stated herein, and each of the parties reserves all such rights including, but not limited to, claims for contribution or cost recovery relating to any hazardous substance in, on, under or emanating from the property.".

The foregoing motions prevailed and Amendments numbered 3, 4 and 5 were adopted.

There being no further amendments, the foregoing Amendments numbered 1, 3, 4 and 5 were ordered engrossed; and the bill, as amended, was to the order of Third Reading

HOUSE BILL 2179. Having been reproduced, was taken up and read by title a second time.

Representative Chapa LaVia offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2179 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Veterans Affairs Act is amended by changing Section 2 as follows:

(20 ILCS 2805/2) (from Ch. 126 1/2, par. 67)

Sec. 2. Powers and duties.

(a) The Department shall have the following powers and duties:

To perform such acts at the request of any veteran, or his or her spouse, surviving spouse or dependents as shall be reasonably necessary or reasonably incident to obtaining or endeavoring to obtain for the requester any advantage, benefit or emolument accruing or due to such person under any law of the United States, the State of Illinois or any other state or governmental agency by reason of the service of such veteran, and in pursuance thereof shall:

(1) Contact veterans, their survivors and dependents and advise them of the benefits of state and federal laws and assist them in obtaining such benefits;

(2) Establish field offices and direct the activities of the personnel assigned to such offices;

(3) Create a volunteer field force of accredited representatives, representing educational institutions, labor organizations, veterans organizations, employers, churches, and farm organizations;

(4) Conduct informational and training services;

(5) Conduct educational programs through newspapers, periodicals and radio for the specific purpose of disseminating information affecting veterans and their dependents;

(6) Coordinate the services and activities of all state departments having services and resources affecting veterans and their dependents;

(7) Encourage and assist in the coordination of agencies within counties giving service to veterans and their dependents;

(8) Cooperate with veterans organizations and other governmental agencies;

(9) Make, alter, amend and promulgate reasonable rules and procedures for the administration of this Act;

(10) Make and publish annual reports to the Governor regarding the administration and general operation of the Department;

(11) Encourage the State to implement more programs to address the wide range of issues faced by Persian Gulf War Veterans, especially those who took part in combat, by creating an official commission to further study Persian Gulf War Diseases. The commission shall consist of 9 members appointed as follows: the Speaker and Minority Leader of the House of Representatives and the President and Minority Leader of the Senate shall each appoint one member from the General Assembly, the Governor shall appoint 4 members to represent veterans' organizations, and the Department shall appoint one member. The commission members shall serve without compensation; and

(12) Conduct an annual review of the benefits received by Illinois veterans that compares benefits received by Illinois veterans with the benefits received by veterans in all other states and U.S. territories. The required annual review shall include, but not be limited to, (1) the average benefit paid to individual veterans from Illinois, in direct comparison to the average benefit paid to individual veterans of each of the other states and U.S. territories; (2) the number of veterans receiving benefits in Illinois for the first time during the year compared to the number of claims filed by Illinois veterans during the year; (3) the aggregate number of Illinois veterans receiving benefits compared to the number of veterans from each of the other states and U.S. territories receiving benefits; and (4) a categorical analysis of the types of injuries and disabilities for which benefits are being paid in Illinois and each of the other states and U.S. territories. The benefits review shall be reported to the Governor, the General Assembly, and the Illinois Congressional delegation upon the completion of the report each year.

(b) The Department shall create and administer a suicide prevention program for veterans of the armed forces, including redeployed veterans of the Illinois National Guard. The program shall become operational within 100 days after the effective date of this amendatory Act of the 95th General Assembly. The program's primary goal shall be to address and reduce the incidence of suicide and Post-Traumatic Stress Disorder (PTSD) among veterans of the military and the National Guard (hereinafter, "veterans").

The program shall provide the following:

(1) Public education and awareness programs directed at veterans, the families of veterans, health care professionals, mental health professionals, and the public, focusing on recognizing the signs, symptoms, and behavioral patterns of those at risk of committing suicide and those suffering from PTSD.

(2) Psychiatric, psychological, or other appropriate mental health care services to veterans at risk of suicide.

(3) Referral services to appropriate mental health care services for veterans afflicted by PTSD.

(4) Any other services the Director of the Department deems appropriate for addressing and reducing the incidence of suicide and Post-Traumatic Stress Disorder among veterans.

The Director of the Department shall submit an annual report to the members of the General Assembly no later than June 15 of each year, outlining the program's activities from the preceding year.

The Department of Military Affairs shall disseminate information regarding the suicide prevention program established pursuant to this subsection to all redeployed members of the Illinois National Guard within 72 hours after their redeployment.

(c) The Department may accept and hold on behalf of the State, if for the public interest, a grant, gift, devise or bequest of money or property to the Department made for the general benefit of Illinois veterans, including the conduct of informational and training services by the Department and other authorized purposes of the Department. The Department shall cause each grant, gift, devise or bequest to be kept as a distinct fund and shall invest such funds in the manner provided by the Public Funds Investment Act, as now or hereafter amended, and shall make such reports as may be required by the Comptroller concerning what funds are so held and the manner in which such funds are invested. The Department may make grants

from these funds for the general benefit of Illinois veterans. Grants from these funds, except for the funds established under Sections 2.01a and 2.03, shall be subject to appropriation.

(d) The Department has the power to make grants, from funds appropriated from the Korean War Veterans National Museum and Library Fund, to private organizations for the benefit of the Korean War Veterans National Museum and Library.

(e) The Department has the power to make grants, from funds appropriated from the Illinois Military Family Relief Fund, for benefits authorized under the Survivors Compensation Act.
(Source: P.A. 93-839, eff. 7-30-04; 94-167, eff. 1-1-06.)".

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

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

HOUSE BILL 2284. Having been reproduced, was taken up and read by title a second time.
Representative Boland offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2284 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Volunteer Driver Protection Act.

Section 5. Definitions. In this Act:

"Vehicle insurance" has the same meaning ascribed to it in the Illinois Insurance Code.

"Volunteer driver" means a person who transports individuals or goods without compensation above reimbursement for expenses. Such volunteer driving must be performed for a not-for-profit agency or charitable organization as defined in the General Not for Profit Corporation Act of 1986.

Section 10. Volunteer drivers. An insurer may not refuse to issue vehicle insurance to a person solely because the applicant is a volunteer driver. An insurer may not impose a surcharge or otherwise increase the rate for a vehicle policy solely on the basis that the named insured or any member of the insured's household or a person who customarily operates the insured's vehicle is a volunteer driver. This Act shall not prohibit an insurer from taking any actions upon factors other than the volunteer status of the insured driver. No producer of vehicle insurance may receive a license under the Illinois Insurance Code or any other professional regulation statute if the producer fails to certify under oath that the producer does not discriminate against volunteer drivers.

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

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

HOUSE BILL 2306. Having been reproduced, was taken up and read by title a second time.
Representative Reitz offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2306 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by adding Section 5-1129 as follows:

(55 ILCS 5/5-1129 new)

Sec. 5-1129. False alarms. The county board of each county may, by ordinance, impose a fee against persons making false alarms. A fee may not be imposed, however, if the emergency telephone system or a public safety agency is notified that the alarm is unfounded before a public safety agency responds to the alarm or if the alarm system is being installed, repaired, maintained, or tested and the emergency telephone system and public safety agency are notified in advance of the activity in connection with the alarm system. In addition, a fee may not be imposed against a person if the call was initiated due to symptoms that could require emergency medical attention.

For the purposes of this Section, "alarm" means any mechanical or electric device or assembly of equipment, designed or arranged to signal the occurrence of an illegal entry, a fire, an emergency medical assistance need, or other activity requiring urgent attention and to which the police department, the fire

department, or an emergency medical service are expected to respond.

For the purposes of this Section, "false alarm" means an alarm signal to which a police department, a fire department, or emergency medical service of the county responds with emergency service personnel, equipment, or both when a situation requiring that response does not, in fact, exist, if the signal is caused by the inadvertence, negligence, or an intentional act or omission on the part of an alarm company or alarm user or a malfunction of the alarm.

Section 10. The Illinois Municipal Code is amended by adding Section 11-5.3-2 as follows:

(65 ILCS 5/11-5.3-2 new)

Sec. 11-5.3-2. False alarms. The corporate authorities of each municipality may, by ordinance, impose a fee against persons making false alarms. A fee may not be imposed, however, if the emergency telephone system or a public safety agency is notified that the alarm is unfounded before a public safety agency responds to the alarm or if the alarm system is being installed, repaired, maintained, or tested and the emergency telephone system and public safety agency are notified in advance of the activity in connection with the alarm system. In addition, a fee may not be imposed against a person if the call was initiated due to symptoms that could require emergency medical attention.

For the purposes of this Section, "alarm" means any mechanical or electric device or assembly of equipment, designed or arranged to signal the occurrence of an illegal entry, a fire, an emergency medical assistance need, or other activity requiring urgent attention and to which the police department, the fire department, or an emergency medical service are expected to respond.

For the purposes of this Section, "false alarm" means an alarm signal to which a police department, a fire department, or emergency medical service of the municipality responds with emergency service personnel, equipment, or both when a situation requiring that response does not, in fact, exist, if the signal is caused by the inadvertence, negligence, or an intentional act or omission on the part of an alarm company or alarm user or a malfunction of the alarm.".

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 to the order of Third Reading

Having been reproduced, the following bill was taken up, read by title a second time and held on the order of Second Reading: HOUSE BILL 2419.

HOUSE BILL 2672. Having been reproduced, was taken up and read by title a second time.

Representative Fritchey offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2672 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 3.1-10-5 as follows:

(65 ILCS 5/3.1-10-5) (from Ch. 24, par. 3.1-10-5)

Sec. 3.1-10-5. Qualifications; elective office.

(a) A person is not eligible for an elective municipal office unless that person is a qualified elector of the municipality and has resided in the municipality at least one year next preceding the election.

(b) A person is not eligible for an elective municipal office if that person is in arrears in the payment of a tax or other indebtedness due to the municipality ~~or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony~~.

(c) A person is not eligible for the office of alderman of a ward unless that person has resided in the ward that the person seeks to represent, and a person is not eligible for the office of trustee of a district unless that person has resided in the municipality, at least one year next preceding the election or appointment, except as provided in subsection (c) of Section 3.1-20-25, subsection (b) of Section 3.1-25-75, Section 5-2-2, or Section 5-2-11.

(Source: P.A. 93-847, eff. 7-30-04.)".

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 to the order of Third Reading

HOUSE BILL 3679. Having been reproduced, was taken up and read by title a second time.
Representative Saviano offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 3679 on page 1, line 9, after "system", by inserting "or a laser"; and
on page 1, line 12, after "registered nurse,", by inserting "electrologist,"; and
on page 1, line 14, after "system", by inserting "or laser".

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

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

Having been reproduced, the following bill was taken up, read by title a second time and held on the order of Second Reading: HOUSE BILL 2419.

HOUSE BILL 2419. Having been reproduced, was taken up and read by title a second time.
Representative Hernandez offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2419 by replacing everything after the enacting clause with the following:
"Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by adding Section 605-975 as follows:
(20 ILCS 605/605-975 new)
Sec. 605-975. Women health care providers; clinics. Subject to appropriation, the Department shall establish and administer a program to make grants to health care providers who are women for the purpose of opening health care clinics in economically depressed areas within the State.".

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

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

HOUSE BILL 3650. Having been reproduced, was taken up and read by title a second time.
The following amendment was offered in the Committee on Prison Reform, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 3650 on page 1, by replacing line 5 with the following:
"changing Sections 3-6-2, 3-6-3, and 5-5-3 as follows:
(730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)
Sec. 3-6-2. Institutions and Facility Administration.
(a) Each institution and facility of the Department shall be administered by a chief administrative officer appointed by the Director. A chief administrative officer shall be responsible for all persons assigned to the institution or facility. The chief administrative officer shall administer the programs of the Department for the custody and treatment of such persons.
(b) The chief administrative officer shall have such assistants as the Department may assign.
(c) The Director or Assistant Director shall have the emergency powers to temporarily transfer individuals without formal procedures to any State, county, municipal or regional correctional or detention institution or facility in the State, subject to the acceptance of such receiving institution or facility, or to designate any reasonably secure place in the State as such an institution or facility and to make transfers thereto. However, transfers made under emergency powers shall be reviewed as soon as practicable under

Article 8, and shall be subject to Section 5-905 of the Juvenile Court Act of 1987. This Section shall not apply to transfers to the Department of Human Services which are provided for under Section 3-8-5 or Section 3-10-5.

(d) Subject to appropriation, the ~~The~~ Department shall provide educational programs for all committed persons so that all persons have an opportunity to attain the achievement level equivalent to the completion of an associate, baccalaureate, or higher degree from a community college, college, or university located in Illinois ~~the twelfth grade in the public school system in this State~~. Professional ~~Other higher levels of attainment shall be encouraged and professional~~ instruction shall be maintained wherever possible. The Department may establish programs of mandatory education and may establish rules and regulations for the administration of such programs. Subject to appropriation, the costs of such educational programs shall be paid by the Department ~~A person committed to the Department who, during the period of his or her incarceration, participates in an educational program provided by or through the Department and through that program is awarded or earns the number of hours of credit required for the award of an associate, baccalaureate, or higher degree from a community college, college, or university located in Illinois shall reimburse the State, through the Department, for the costs incurred by the State in providing that person during his or her incarceration with the education that qualifies him or her for the award of that degree. The costs for which reimbursement is required under this subsection shall be determined and computed by the Department under rules and regulations that it shall establish for that purpose. However, interest at the rate of 6% per annum shall be charged on the balance of those costs from time to time remaining unpaid, from the date of the person's parole, mandatory supervised release, or release constituting a final termination of his or her commitment to the Department until paid~~.

(d-5) A person committed to the Department is entitled to confidential testing for infection with human immunodeficiency virus (HIV) and to counseling in connection with such testing, with no copay to the committed person. A person committed to the Department who has tested positive for infection with HIV is entitled to medical care while incarcerated, counseling, and referrals to support services, in connection with that positive test result. Implementation of this subsection (d-5) is subject to appropriation.

(e) A person committed to the Department who becomes in need of medical or surgical treatment but is incapable of giving consent thereto shall receive such medical or surgical treatment by the chief administrative officer consenting on the person's behalf. Before the chief administrative officer consents, he or she shall obtain the advice of one or more physicians licensed to practice medicine in all its branches in this State. If such physician or physicians advise:

(1) that immediate medical or surgical treatment is required relative to a condition threatening to cause death, damage or impairment to bodily functions, or disfigurement; and

(2) that the person is not capable of giving consent to such treatment; the chief administrative officer may give consent for such medical or surgical treatment, and such consent shall be deemed to be the consent of the person for all purposes, including, but not limited to, the authority of a physician to give such treatment.

(e-5) If a physician providing medical care to a committed person on behalf of the Department advises the chief administrative officer that the committed person's mental or physical health has deteriorated as a result of the cessation of ingestion of food or liquid to the point where medical or surgical treatment is required to prevent death, damage, or impairment to bodily functions, the chief administrative officer may authorize such medical or surgical treatment.

(f) In the event that the person requires medical care and treatment at a place other than the institution or facility, the person may be removed therefrom under conditions prescribed by the Department. The Department shall require the committed person receiving medical or dental services on a non-emergency basis to pay a $2 co-payment to the Department for each visit for medical or dental services. The amount of each co-payment shall be deducted from the committed person's individual account. A committed person who has a chronic illness, as defined by Department rules and regulations, shall be exempt from the $2 co-payment for treatment of the chronic illness. A committed person shall not be subject to a $2 co-payment for follow-up visits ordered by a physician, who is employed by, or contracts with, the Department. A committed person who is indigent is exempt from the $2 co-payment and is entitled to receive medical or dental services on the same basis as a committed person who is financially able to afford the co-payment. Notwithstanding any other provision in this subsection (f) to the contrary, any person committed to any facility operated by the Department of Juvenile Justice, as set forth in Section 3-2.5-15 of this Code, is exempt from the co-payment requirement for the duration of confinement in those facilities.

(g) Any person having sole custody of a child at the time of commitment or any woman giving birth to a child after her commitment, may arrange through the Department of Children and Family Services for

suitable placement of the child outside of the Department of Corrections. The Director of the Department of Corrections may determine that there are special reasons why the child should continue in the custody of the mother until the child is 6 years old.

(h) The Department may provide Family Responsibility Services which may consist of, but not be limited to the following:

(1) family advocacy counseling;

(2) parent self-help group;

(3) parenting skills training;

(4) parent and child overnight program;

(5) parent and child reunification counseling, either separately or together, preceding the inmate's release; and

(6) a prerelease reunification staffing involving the family advocate, the inmate and the child's counselor, or both and the inmate.

(i) Prior to the release of any inmate who has a documented history of intravenous drug use, and upon the receipt of that inmate's written informed consent, the Department shall provide for the testing of such inmate for infection with human immunodeficiency virus (HIV) and any other identified causative agent of acquired immunodeficiency syndrome (AIDS). The testing provided under this subsection shall consist of an enzyme-linked immunosorbent assay (ELISA) test or such other test as may be approved by the Illinois Department of Public Health. If the test result is positive, the Western Blot Assay or more reliable confirmatory test shall be administered. All inmates tested in accordance with the provisions of this subsection shall be provided with pre-test and post-test counseling. Notwithstanding any provision of this subsection to the contrary, the Department shall not be required to conduct the testing and counseling required by this subsection unless sufficient funds to cover all costs of such testing and counseling are appropriated for that purpose by the General Assembly.

(j) Any person convicted of a sex offense as defined in the Sex Offender Management Board Act shall be required to receive a sex offender evaluation prior to release into the community from the Department of Corrections. The sex offender evaluation shall be conducted in conformance with the standards and guidelines developed under the Sex Offender Management Board Act and by an evaluator approved by the Board.

(k) Any minor committed to the Department of Juvenile Justice for a sex offense as defined by the Sex Offender Management Board Act shall be required to undergo sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the Sex Offender Management Board Act.

(l) Prior to the release of any inmate, the Department must provide the inmate with the option of testing for infection with human immunodeficiency virus (HIV), as well as counseling in connection with such testing, with no copayment for the test. At the same time, the Department shall require each such inmate to sign a form stating that the inmate has been informed of his or her rights with respect to the testing required to be offered under this subsection (l) and providing the inmate with an opportunity to indicate either that he or she wants to be tested or that he or she does not want to be tested. The Department, in consultation with the Department of Public Health, shall prescribe the contents of the form. The testing provided under this subsection (l) shall consist of an enzyme-linked immunosorbent assay (ELISA) test or any other test approved by the Department of Public Health. If the test result is positive, the Western Blot Assay or more reliable confirmatory test shall be administered.

Prior to the release of an inmate who the Department knows has tested positive for infection with HIV, the Department in a timely manner shall offer the inmate transitional case management, including referrals to other support services.

Implementation of this subsection (l) is subject to appropriation.

(Source: P.A. 93-616, eff. 1-1-04; 93-928, eff. 1-1-05; 94-629, eff. 1-1-06; 94-696, eff. 6-1-06.)"; and

on page 14, by inserting immediately below line 16 the following:

"(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

Sec. 5-5-3. Disposition.

(a) Except as provided in Section 11-501 of the Illinois Vehicle Code, every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.

(2) A term of periodic imprisonment.

(3) A term of conditional discharge.

(4) A term of imprisonment.

(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961 (now repealed).

(6) A fine.

(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.

(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

(9) A term of imprisonment in combination with a term of probation when the offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 for which imprisonment is prescribed in those Sections.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

(O) A violation of Section 12-6.1 of the Criminal Code of 1961.

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.

(R) A violation of Section 24-3A of the Criminal Code of 1961.

(S) (Blank).

(T) A second or subsequent violation of the Methamphetamine Control and Community Protection Act.

(3) (Blank).

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) (Blank).

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(5.4) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating Section 3-707 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 3 months and until he or she has paid a reinstatement fee of $100.

(5.5) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating Section 3-707 of the Illinois Vehicle Code during a period in which his or her driver's license, permit, or privileges were suspended for a previous violation of that Section shall have his or her driver's license, permit, or privileges suspended for an additional 6 months after the expiration of the original 3-month suspension and until he or she has paid a reinstatement fee of $100.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such

charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

(11) The court shall impose a minimum fine of $1,000 for a first offense and $2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(12) A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;

(ii) restricted contact with the victim;

(iii) continued financial support of the family;

(iv) restitution for harm done to the victim; and

(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them

in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, any violation of the Cannabis Control Act, or any violation of the Methamphetamine Control and Community Protection Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substance Act, or Section 70 of the Methamphetamine Control and Community Protection Act of a defendant, the court shall

determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony ~~and who has not been previously convicted of a misdemeanor or felony~~ and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant~~, at his or her own expense,~~ to pursue a course of study toward a high school diploma or passage of the GED test. Subject to appropriation, the costs of the educational courses shall be paid by the Department. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term ~~; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply~~. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(j-6) Subject to appropriation, a defendant at least 17 years of age who has a high school diploma or who has passed the high school level Test of General Educational Development (GED) and who is convicted of a felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall be provided with an educational program that leads to the completion of an associate, baccalaureate, or higher degree as provided in subsection (d) of Section 3-6-2.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(o) Whenever a person is convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act, the defendant's driver's license or permit shall be subject to renewal on an annual basis in accordance with the provisions of license renewal established by the Secretary of State.

(Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169, eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546, eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800, eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993, eff. 1-1-07; 94-1035, eff. 7-1-07; revised 8-28-06.)".

Representative Washington offered the following amendment and moved its adoption:

AMENDMENT NO. 2 . Amend House Bill 3650, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Sections 3-6-2, 3-6-3, and 5-5-3 as follows:

(730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

Sec. 3-6-2. Institutions and Facility Administration.

(a) Each institution and facility of the Department shall be administered by a chief administrative officer appointed by the Director. A chief administrative officer shall be responsible for all persons assigned to the institution or facility. The chief administrative officer shall administer the programs of the Department for the custody and treatment of such persons.

(b) The chief administrative officer shall have such assistants as the Department may assign.

(c) The Director or Assistant Director shall have the emergency powers to temporarily transfer individuals without formal procedures to any State, county, municipal or regional correctional or detention institution or facility in the State, subject to the acceptance of such receiving institution or facility, or to designate any reasonably secure place in the State as such an institution or facility and to make transfers thereto. However, transfers made under emergency powers shall be reviewed as soon as practicable under Article 8, and shall be subject to Section 5-905 of the Juvenile Court Act of 1987. This Section shall not apply to transfers to the Department of Human Services which are provided for under Section 3-8-5 or Section 3-10-5.

(d) Subject to appropriation, the ~~The~~ Department shall provide educational programs for all committed persons so that all persons have an opportunity to attain the achievement level equivalent to the completion of an associate, baccalaureate, or higher degree from a community college, college, or university located in Illinois ~~the twelfth grade in the public school system in this State~~. Professional ~~Other higher levels of attainment shall be encouraged and professional~~ instruction shall be maintained wherever possible. The Department may establish programs of mandatory education and may establish rules and regulations for the administration of such programs. Subject to appropriation, the costs of such educational programs shall be paid by the Department ~~A person committed to the Department who, during the period of his or her incarceration, participates in an educational program provided by or through the Department and through that program is awarded or earns the number of hours of credit required for the award of an associate, baccalaureate, or higher degree from a community college, college, or university located in Illinois shall reimburse the State, through the Department, for the costs incurred by the State in providing that person during his or her incarceration with the education that qualifies him or her for the award of that degree. The costs for which reimbursement is required under this subsection shall be determined and computed by the~~

~~Department under rules and regulations that it shall establish for that purpose. However, interest at the rate of 6% per annum shall be charged on the balance of those costs from time to time remaining unpaid, from the date of the person's parole, mandatory supervised release, or release constituting a final termination of his or her commitment to the Department until paid~~.

(d-5) A person committed to the Department is entitled to confidential testing for infection with human immunodeficiency virus (HIV) and to counseling in connection with such testing, with no copay to the committed person. A person committed to the Department who has tested positive for infection with HIV is entitled to medical care while incarcerated, counseling, and referrals to support services, in connection with that positive test result. Implementation of this subsection (d-5) is subject to appropriation.

(e) A person committed to the Department who becomes in need of medical or surgical treatment but is incapable of giving consent thereto shall receive such medical or surgical treatment by the chief administrative officer consenting on the person's behalf. Before the chief administrative officer consents, he or she shall obtain the advice of one or more physicians licensed to practice medicine in all its branches in this State. If such physician or physicians advise:

(1) that immediate medical or surgical treatment is required relative to a condition threatening to cause death, damage or impairment to bodily functions, or disfigurement; and

(2) that the person is not capable of giving consent to such treatment; the chief administrative officer may give consent for such medical or surgical treatment, and such consent shall be deemed to be the consent of the person for all purposes, including, but not limited to, the authority of a physician to give such treatment.

(e-5) If a physician providing medical care to a committed person on behalf of the Department advises the chief administrative officer that the committed person's mental or physical health has deteriorated as a result of the cessation of ingestion of food or liquid to the point where medical or surgical treatment is required to prevent death, damage, or impairment to bodily functions, the chief administrative officer may authorize such medical or surgical treatment.

(f) In the event that the person requires medical care and treatment at a place other than the institution or facility, the person may be removed therefrom under conditions prescribed by the Department. The Department shall require the committed person receiving medical or dental services on a non-emergency basis to pay a $2 co-payment to the Department for each visit for medical or dental services. The amount of each co-payment shall be deducted from the committed person's individual account. A committed person who has a chronic illness, as defined by Department rules and regulations, shall be exempt from the $2 co-payment for treatment of the chronic illness. A committed person shall not be subject to a $2 co-payment for follow-up visits ordered by a physician, who is employed by, or contracts with, the Department. A committed person who is indigent is exempt from the $2 co-payment and is entitled to receive medical or dental services on the same basis as a committed person who is financially able to afford the co-payment. Notwithstanding any other provision in this subsection (f) to the contrary, any person committed to any facility operated by the Department of Juvenile Justice, as set forth in Section 3-2.5-15 of this Code, is exempt from the co-payment requirement for the duration of confinement in those facilities.

(g) Any person having sole custody of a child at the time of commitment or any woman giving birth to a child after her commitment, may arrange through the Department of Children and Family Services for suitable placement of the child outside of the Department of Corrections. The Director of the Department of Corrections may determine that there are special reasons why the child should continue in the custody of the mother until the child is 6 years old.

(h) The Department may provide Family Responsibility Services which may consist of, but not be limited to the following:

(1) family advocacy counseling;

(2) parent self-help group;

(3) parenting skills training;

(4) parent and child overnight program;

(5) parent and child reunification counseling, either separately or together, preceding the inmate's release; and

(6) a prerelease reunification staffing involving the family advocate, the inmate and the child's counselor, or both and the inmate.

(i) Prior to the release of any inmate who has a documented history of intravenous drug use, and upon the receipt of that inmate's written informed consent, the Department shall provide for the testing of such inmate for infection with human immunodeficiency virus (HIV) and any other identified causative agent of acquired immunodeficiency syndrome (AIDS). The testing provided under this subsection shall consist of

an enzyme-linked immunosorbent assay (ELISA) test or such other test as may be approved by the Illinois Department of Public Health. If the test result is positive, the Western Blot Assay or more reliable confirmatory test shall be administered. All inmates tested in accordance with the provisions of this subsection shall be provided with pre-test and post-test counseling. Notwithstanding any provision of this subsection to the contrary, the Department shall not be required to conduct the testing and counseling required by this subsection unless sufficient funds to cover all costs of such testing and counseling are appropriated for that purpose by the General Assembly.

(j) Any person convicted of a sex offense as defined in the Sex Offender Management Board Act shall be required to receive a sex offender evaluation prior to release into the community from the Department of Corrections. The sex offender evaluation shall be conducted in conformance with the standards and guidelines developed under the Sex Offender Management Board Act and by an evaluator approved by the Board.

(k) Any minor committed to the Department of Juvenile Justice for a sex offense as defined by the Sex Offender Management Board Act shall be required to undergo sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the Sex Offender Management Board Act.

(l) Prior to the release of any inmate, the Department must provide the inmate with the option of testing for infection with human immunodeficiency virus (HIV), as well as counseling in connection with such testing, with no copayment for the test. At the same time, the Department shall require each such inmate to sign a form stating that the inmate has been informed of his or her rights with respect to the testing required to be offered under this subsection (l) and providing the inmate with an opportunity to indicate either that he or she wants to be tested or that he or she does not want to be tested. The Department, in consultation with the Department of Public Health, shall prescribe the contents of the form. The testing provided under this subsection (l) shall consist of an enzyme-linked immunosorbent assay (ELISA) test or any other test approved by the Department of Public Health. If the test result is positive, the Western Blot Assay or more reliable confirmatory test shall be administered.

Prior to the release of an inmate who the Department knows has tested positive for infection with HIV, the Department in a timely manner shall offer the inmate transitional case management, including referrals to other support services.

Implementation of this subsection (l) is subject to appropriation.

(Source: P.A. 93-616, eff. 1-1-04; 93-928, eff. 1-1-05; 94-629, eff. 1-1-06; 94-696, eff. 6-1-06.)

(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

Sec. 3-6-3. Rules and Regulations for Early Release.

(a) (1) The Department of Corrections shall prescribe rules and regulations for the early release on account of good conduct of persons committed to the Department which shall be subject to review by the Prisoner Review Board.

(2) The rules and regulations on early release shall provide, with respect to offenses listed in clause (i), (ii), or (iii) of this paragraph (2) committed on or after June 19, 1998 or with respect to the offense listed in clause (iv) of this paragraph (2) committed on or after June 23, 2005 (the effective date of Public Act 94-71) or with respect to the offense of being an armed habitual criminal committed on or after August 2, 2005 (the effective date of Public Act 94-398), the following:

(i) that a prisoner who is serving a term of imprisonment for first degree murder or for the offense of terrorism shall receive no good conduct credit and shall serve the entire sentence imposed by the court;

(ii) that a prisoner serving a sentence for attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, being an armed habitual criminal, aggravated battery of a senior citizen, or aggravated battery of a child shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment;

(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment; and

(iv) that a prisoner serving a sentence for aggravated discharge of a firearm,

whether or not the conduct leading to conviction for the offense resulted in great bodily harm to the victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2)(i), (ii), or (iii) committed on or after June 19, 1998 or subdivision (a)(2)(iv) committed on or after June 23, 2005 (the effective date of Public Act 94-71), and other than the offense of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of good conduct credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of good conduct credit shall reduce by one day the prisoner's period of imprisonment or recommitment under Section 3-3-9.

(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no good conduct credit.

(2.3) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.4) The rules and regulations on early release shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after July 15, 1999 (the effective date of Public Act 91-121), that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.5) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after July 27, 2001 (the effective date of Public Act 92-176) shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(3) The rules and regulations shall also provide that the Director may award up to 180 days additional good conduct credit for meritorious service in specific instances as the Director deems proper; except that no more than 90 days of good conduct credit for meritorious service shall be awarded to any prisoner who is serving a sentence for conviction of first degree murder, reckless homicide while under the influence of alcohol or any other drug, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, aggravated kidnapping, kidnapping, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, deviate sexual assault, aggravated criminal sexual abuse, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery, aggravated battery of a spouse, aggravated battery of a spouse with a firearm, stalking, aggravated stalking, aggravated battery of a child, endangering the life or health of a child, cruelty to a child, or narcotic racketeering. Notwithstanding the foregoing, good conduct credit for meritorious service shall not be awarded on a sentence of imprisonment imposed for conviction of: (i) one of the offenses enumerated in subdivision (a)(2)(i), (ii), or (iii) when the offense is committed on or after June 19, 1998 or subdivision (a)(2)(iv) when the offense is committed on or after June 23, 2005 (the effective date of Public Act 94-71), (ii) reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 when the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, (iii) one of the offenses enumerated in subdivision (a)(2.4) when the offense is committed on or after July 15, 1999 (the effective date of Public Act 91-121), or (iv) aggravated arson when the offense is committed on or after July 27, 2001 (the effective date of Public Act 92-176).

(4) The rules and regulations shall also provide that the good conduct credit

accumulated and retained under paragraph (2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate is engaged full-time in substance abuse programs, correctional industry assignments, or educational programs provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date. However, no inmate shall be eligible for the additional good conduct credit under this paragraph (4) or (4.1) of this subsection (a) while assigned to a boot camp or electronic detention, or if convicted of an offense enumerated in subdivision (a)(2)(i), (ii), or (iii) of this Section that is committed on or after June 19, 1998 or subdivision (a)(2)(iv) of this Section that is committed on or after June 23, 2005 (the effective date of Public Act 94-71), or if convicted of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, or if convicted of an offense enumerated in paragraph (a)(2.4) of this Section that is committed on or after July 15, 1999 (the effective date of Public Act 91-121), or first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses. No inmate shall be eligible for the additional good conduct credit under this paragraph (4) who (i) has previously received increased good conduct credit under this paragraph (4) and has subsequently been convicted of a felony, or (ii) has previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.

Educational, vocational, substance abuse and correctional industry programs under which good conduct credit may be increased under this paragraph (4) and paragraph (4.1) of this subsection (a) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate.

(4.1) The rules and regulations shall also provide that an additional <u>180</u> ~~60~~ days of good conduct credit shall be awarded to any prisoner who passes the high school level Test of General Educational Development (GED) while the prisoner is incarcerated. The good conduct credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of good conduct under any other paragraph of this Section, but shall also be pursuant to the guidelines and restrictions set forth in paragraph (4) of subsection (a) of this Section. The good conduct credit provided for in this paragraph shall be available only to those prisoners who have not previously earned a high school diploma or a GED. If, after an award of the GED good conduct credit has been made and the Department determines that the prisoner was not eligible, then the award shall be revoked.

(4.5) The rules and regulations on early release shall also provide that when the court's sentencing order recommends a prisoner for substance abuse treatment and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354), the prisoner shall receive no good conduct credit awarded under clause (3) of this subsection (a) unless he or she participates in and completes a substance abuse treatment program. The Director may waive the requirement to participate in or complete a substance abuse treatment program and award the good conduct credit in specific instances if the prisoner is not a good candidate for a substance abuse treatment program for medical, programming, or operational reasons. Availability of substance abuse treatment shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. If treatment is not available and the requirement to participate and complete the treatment has not been waived by the Director, the prisoner shall be placed on a waiting list under criteria established by the Department. The Director may allow a prisoner placed on a waiting list to participate in and complete a substance abuse education class or attend substance abuse self-help meetings in lieu of a substance abuse treatment program. A prisoner on a waiting list who is not placed in a substance abuse program prior to

release may be eligible for a waiver and receive good conduct credit under clause (3) of this subsection (a) at the discretion of the Director.

(4.6) Due to the importance of education on recidivism, the rules and regulations shall also provide that 90 days of early release from parole shall be awarded to any parolee who passes the high school level Test of General Educational Development (GED) while the parolee is on parole. The early release from parole awarded under this paragraph (4.6) shall be in addition to, and shall not be affected by, the award of good conduct under any other paragraph of this Section, but shall not be pursuant to the guidelines and restrictions set forth in paragraph (4) of this subsection (a). The early release from parole provided for in this paragraph shall be available only to parolees who have not yet previously earned a high school diploma or a GED.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of good conduct credit for meritorious service given at any time during the term, the Department shall give reasonable advance notice of the impending release to the State's Attorney of the county where the prosecution of the inmate took place.

(b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of good time.

(c) The Department shall prescribe rules and regulations for revoking good conduct credit, or suspending or reducing the rate of accumulation of good conduct credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate may be penalized more than one year of good conduct credit for any one infraction.

When the Department seeks to revoke, suspend or reduce the rate of accumulation of any good conduct credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days or when during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the Department of Corrections may revoke up to 30 days of good conduct credit. The Board may subsequently approve the revocation of additional good conduct credit, if the Department seeks to revoke good conduct credit in excess of 30 days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of good conduct credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.

The Director of the Department of Corrections, in appropriate cases, may restore up to 30 days good conduct credits which have been revoked, suspended or reduced. Any restoration of good conduct credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore good conduct credit in excess of the amount requested by the Director.

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of good conduct credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading, motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall conduct a hearing to revoke up to 180 days of good conduct credit by bringing charges against the prisoner sought to be deprived of the good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of good conduct credit at the time of the finding, then the Prisoner Review Board may revoke all good conduct credit accumulated by the prisoner.

For purposes of this subsection (d):

(1) "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:

(A) it lacks an arguable basis either in law or in fact;

(B) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(C) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(D) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity

for further investigation or discovery; or

(E) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.

(2) "Lawsuit" means a petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963, a motion pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, a habeas corpus action under Article X of the Code of Civil Procedure or under federal law (28 U.S.C. 2254), a petition for claim under the Court of Claims Act or an action under the federal Civil Rights Act (42 U.S.C. 1983).

(e) Nothing in Public Act 90-592 or 90-593 affects the validity of Public Act 89-404.

(Source: P.A. 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; 94-71, eff. 6-23-05; 94-128, eff. 7-7-05; 94-156, eff. 7-8-05; 94-398, eff. 8-2-05; 94-491, eff. 8-8-05; 94-744, eff. 5-8-06.)

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

Sec. 5-5-3. Disposition.

(a) Except as provided in Section 11-501 of the Illinois Vehicle Code, every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.

(2) A term of periodic imprisonment.

(3) A term of conditional discharge.

(4) A term of imprisonment.

(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961 (now repealed).

(6) A fine.

(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.

(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

(9) A term of imprisonment in combination with a term of probation when the offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 for which imprisonment is prescribed in those Sections.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized

gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

(O) A violation of Section 12-6.1 of the Criminal Code of 1961.

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.

(R) A violation of Section 24-3A of the Criminal Code of 1961.

(S) (Blank).

(T) A second or subsequent violation of the Methamphetamine Control and Community Protection Act.

(3) (Blank).

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) (Blank).

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have

his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(5.4) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating Section 3-707 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 3 months and until he or she has paid a reinstatement fee of $100.

(5.5) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating Section 3-707 of the Illinois Vehicle Code during a period in which his or her driver's license, permit, or privileges were suspended for a previous violation of that Section shall have his or her driver's license, permit, or privileges suspended for an additional 6 months after the expiration of the original 3-month suspension and until he or she has paid a reinstatement fee of $100.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

(11) The court shall impose a minimum fine of $1,000 for a first offense and $2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(12) A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;

(ii) restricted contact with the victim;

(iii) continued financial support of the family;

(iv) restitution for harm done to the victim; and

(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the

defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, any violation of the Cannabis Control Act, or any violation of the Methamphetamine Control and Community Protection Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substance Act, or Section 70 of the Methamphetamine Control and Community Protection Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony ~~and who has not been previously convicted of a misdemeanor or felony~~ and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant~~, at his or her own expense,~~ to pursue a course of study toward a high school diploma or passage of the GED test. Subject to appropriation, the costs of the educational courses shall be paid by the Department. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term ~~; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply~~. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(j-6) Subject to appropriation, a defendant at least 17 years of age who has a high school diploma or who has passed the high school level Test of General Educational Development (GED) and who is convicted of a felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall be provided with an educational program that leads to the completion of an associate, baccalaureate, or higher degree as provided in subsection (d) of Section 3-6-2.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence

in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(o) Whenever a person is convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act, the defendant's driver's license or permit shall be subject to renewal on an annual basis in accordance with the provisions of license renewal established by the Secretary of State.

(Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169, eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546, eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800, eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993, eff. 1-1-07; 94-1035, eff. 7-1-07; revised 8-28-06.)".

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

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

HOUSE BILL 1877. Having been reproduced, was taken up and read by title a second time.

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

Representative Sommer offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 1877 on page 2, lines 13 and 14, by deleting "or 30 days for birth, adoption, or placement for adoption".

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

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

Having been reproduced, the following bill was taken up, read by title a second time and held on the order of Second Reading: HOUSE BILL 635.

HOUSE BILL 635. Having been reproduced, was taken up and read by title a second time.
Representative Brauer offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 635 as follows:
on page 1, line 10, by replacing "must" with "may".

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 3650. Having been read by title a second time on April 25, 2007, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

HOUSE BILL 2241. Having been reproduced, was taken up and read by title a second time.
Representative Rita offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend House Bill 2241 by replacing everything after the enacting clause with the following:

"Section 5. The Vital Records Act is amended by changing Section 18 as follows:

(410 ILCS 535/18) (from Ch. 111 1/2, par. 73-18)

Sec. 18. (1) Each death which occurs in this State shall be registered by filing a death certificate with the local registrar of the district in which the death occurred or the body was found, within 10 business ~~7~~ days after such death (within 5 days if the death occurs prior to January 1, 1989) and prior to cremation or removal of the body from the State, except when death is subject to investigation by the coroner or medical examiner.

(a) For the purposes of this Section, if the place of death is unknown, a death certificate shall be filed in the registration district in which a dead body is found, which shall be considered the place of death.

(b) When a death occurs on a moving conveyance, the place where the body is first removed from the conveyance shall be considered the place of death and a death certificate shall be filed in the registration district in which such place is located.

(c) The funeral director who first assumes custody of a dead body shall be responsible for filing a completed death certificate. He shall obtain the personal data from the next of kin or the best qualified person or source available; he shall enter on the certificate the name, relationship, and address of his informant; he shall enter the date, place, and method of final disposition; he shall affix his own signature and enter his address; and shall present the certificate to the person responsible for completing the medical certification of cause of death.

(2) The medical certification shall be completed and signed within 48 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death, except when death is subject to the coroner's or medical examiner's investigation. In the absence of the physician or with his approval, the medical certificate may be completed and signed by his associate physician, the chief medical officer of the institution in which death occurred or by the physician who performed an autopsy upon the decedent.

(3) When a death occurs without medical attendance, or when it is otherwise subject to the coroner's or medical examiner's investigation, the coroner or medical examiner shall be responsible for the completion

of a coroner's or medical examiner's certificate of death and shall sign the medical certification within 48 hours after death, except as provided by regulation in special problem cases. If the decedent was under the age of 18 years at the time of his or her death, and the death was due to injuries suffered as a result of a motor vehicle backing over a child, or if the death occurred due to the power window of a motor vehicle, the coroner or medical examiner must send a copy of the medical certification, with information documenting that the death was due to a vehicle backing over the child or that the death was caused by a power window of a vehicle, to the Department of Children and Family Services. The Department of Children and Family Services shall (i) collect this information for use by Child Death Review Teams and (ii) compile and maintain this information as part of its Annual Child Death Review Team Report to the General Assembly.

(3.5) The medical certification of cause of death shall expressly provide an opportunity for the person completing the certification to indicate that the death was caused in whole or in part by a dementia-related disease, Parkinson's Disease, or Parkinson-Dementia Complex.

(4) When the deceased was a veteran of any war of the United States, the funeral director shall prepare a "Certificate of Burial of U. S. War Veteran", as prescribed and furnished by the Illinois Department of Veterans Affairs, and submit such certificate to the Illinois Department of Veterans Affairs monthly.

(5) When a death is presumed to have occurred in this State but the body cannot be located, a death certificate may be prepared by the State Registrar upon receipt of an order of a court of competent jurisdiction which includes the finding of facts required to complete the death certificate. Such death certificate shall be marked "Presumptive" and shall show on its face the date of the registration and shall identify the court and the date of the judgment.

(Source: P.A. 93-454, eff. 8-7-03; 94-671, eff. 8-23-05.)

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.

## RECALL

At the request of the principal sponsor, Representative Collins, HOUSE BILL 1050 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

## HOUSE BILLS ON SECOND READING

HOUSE BILL 827. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 827 by replacing everything after the enacting clause with the following:

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

(30 ILCS 105/8h)

Sec. 8h. Transfers to General Revenue Fund.

(a) Except as otherwise provided in this Section and Section 8n of this Act, and ~~(c), (d), or (e),~~ 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, 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, the Supplemental Low-Income Energy Assistance Fund, the Good Samaritan Energy Trust Fund, the Low-Level Radioactive Waste Facility Development and Operation Fund, the Horse Racing Equity Trust 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 May 19, 2006 (the effective date of Public Act 94-774) ~~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) any fund established under the Community Senior Services and Resources Act; or (iii) on or after January 1, 2006 (the effective date of Public Act 94-511), 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) 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.

(e) Subsection (a) does not apply to, and no transfer may be made under this Section from, the Pension Stabilization Fund.

(f) This Section does not apply to the Wireless Service Emergency Fund or the Wireless Carrier Reimbursement Fund.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05; 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; 94-773, eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839, eff. 6-6-06; revised 6-19-06.)

Section 10. The Wireless Emergency Telephone Safety Act is amended by changing Sections 10, 15, 17, 25, and 70 as follows:

(50 ILCS 751/10)

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

Sec. 10. Definitions. In this Act:

"Active prepaid wireless telephone" means a prepaid wireless telephone that has been used or activated by the customer during the month to complete a telephone call for which the customer's card or account was decremented.

"Basic 9-1-1" means an emergency telephone system which automatically connects 9-1-1 callers to a designated answering point. Call routing is determined by an originating central office only. Basic 9-1-1 may or may not support ANI or ALI.

"Emergency telephone system board" means a board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of the duties and powers prescribed by the Emergency Telephone System Act.

"Master street address guide" means the computerized geographical database that consists of all street and address data within a 9-1-1 system.

"Mobile telephone number" or "MTN" shall mean the telephone number assigned to a wireless telephone at the time of initial activation.

"Prepaid wireless telephone service" means wireless telephone service which is activated by payment in advance of a finite dollar amount or for a finite set of minutes and which, unless an additional finite dollar amount or finite set of minutes is paid in advance, terminates either (i) upon use by a customer and delivery by the wireless carrier of an agreed-upon amount of service corresponding to the total dollar amount paid in advance, or within a certain period of time following initial purchase or activation.

"Public safety agency" means a functional division of a public agency that provides fire fighting, police, medical, or other emergency services. For the purpose of providing wireless service to users of 9-1-1 emergency services, as expressly provided for in this Act, the Department of State Police may be considered a public safety agency.

"Qualified governmental entity" means a unit of local government authorized to provide 9-1-1 services pursuant to the Emergency Telephone System Act where no emergency telephone system board exists.

"Statewide wireless emergency 9-1-1 system" means all areas of the State where an emergency telephone system board or, in the absence of an emergency telephone system board, a qualified governmental entity has not declared its intention for one or more of its public safety answering points to serve as a primary wireless 9-1-1 public safety answering point for its jurisdiction. The operator of the statewide wireless emergency 9-1-1 system shall be the Department of State Police.

"Sufficient positive balance" means a dollar amount greater than or equal to the monthly wireless 9-1-1 surcharge amount.

"Wireless carrier" means a provider of two-way cellular, broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial Mobile Radio Service (CMRS), Wireless Communications Service (WCS), or other Commercial Mobile Radio Service (CMRS), as defined by the Federal Communications Commission, offering radio communications that may provide fixed, mobile, radio location, or satellite communication services to individuals or businesses within its assigned spectrum block and geographical area or that offers real-time, two-way voice service that is interconnected with the public switched network, including a reseller of such service.

"Wireless enhanced 9-1-1" means the ability to relay the telephone number of the originator of a 9-1-1 call and location information from any mobile handset or text telephone device accessing the wireless system to the designated wireless public safety answering point as set forth in the order of the Federal Communications Commission, FCC Docket No. 94-102, adopted June 12, 1996, with an effective date of October 1, 1996, and any subsequent amendment thereto.

"Wireless Phase 1" means the provision of a 9-1-1 caller's telephone number and the location of the cell site or base station receiving the 9-1-1 call, as described in 47 C.F.R. 20.18.

"Wireless Phase 2" means the provision of Phase 1 enhanced 9-1-1 services along with the location of all 9-1-1 calls by longitude and latitude in conformance with applicable Federal Communications Commission accuracy requirements, as described in 47 C.F.R. 20.18.

"Wireless public safety answering point" means the functional division of an emergency telephone system board, qualified governmental entity, or the Department of State Police accepting wireless 9-1-1 calls.

"Wireless subscriber" means an individual or entity to whom a wireless service account or number has been assigned by a wireless carrier.

"Wireless telephone service" includes prepaid wireless telephone service and means all "commercial mobile service", as that term is defined in 47 CFR 20.3, including all personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent wide area specialized mobile radio licensees that offer real time, two-way service that is interconnected with the public switched telephone network.

(Source: P.A. 93-507, eff. 1-1-04.)

(50 ILCS 751/15)

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

Sec. 15. Wireless emergency 9-1-1 service. The digits "9-1-1" shall be the designated emergency telephone number within the wireless system.

(a) Standards. The Illinois Commerce Commission may set non-discriminatory, uniform technical and operational standards consistent with the rules of the Federal Communications Commission for directing calls to authorized public safety answering points. These standards shall not in any way prescribe the technology or manner a wireless carrier shall use to deliver wireless 9-1-1 or wireless E9-1-1 calls and these standards shall not exceed the requirements set by the Federal Communications Commission.

However, standards for directing calls to the authorized public safety answering point shall be included. The authority given to the Illinois Commerce Commission in this Section is limited to setting standards as set forth herein and does not constitute authority to regulate wireless carriers.

(b) Wireless public safety answering points. For the purpose of providing wireless 9-1-1 emergency services, an emergency telephone system board or, in the absence of an emergency telephone system board, a qualified governmental entity may declare its intention for one or more of its public safety answering points to serve as a primary wireless 9-1-1 public safety answering point for its jurisdiction by notifying the Chief Clerk of the Illinois Commerce Commission and the Director of State Police in writing within 6 months after the effective date of this Act or within 6 months after receiving its authority to operate a 9-1-1 system under the Emergency Telephone System Act, whichever is later. In addition, 2 or more emergency telephone system boards or qualified units of local government may, by virtue of an intergovernmental agreement, provide wireless 9-1-1 service. The Department of State Police shall be the primary wireless 9-1-1 public safety answering point for any jurisdiction not providing notice to the Commission and the Department of State Police. Nothing in this Act shall require the provision of wireless enhanced 9-1-1 services.

The Illinois Commerce Commission, upon a ~~joint~~ request from ~~the Department of State Police and~~ a qualified governmental entity or an emergency telephone system board, may grant authority to the emergency telephone system board or a qualified governmental entity to provide wireless 9-1-1 service in areas for which the Department of State Police has accepted wireless 9-1-1 responsibility. The Illinois Commerce Commission shall maintain a current list of all 9-1-1 systems and qualified governmental entities providing wireless 9-1-1 service under this Act.

Any emergency telephone system board or qualified governmental entity providing wireless 9-1-1 service prior to the effective date of this Act may continue to operate upon notification as previously described in this Section. An emergency telephone system board or a qualified governmental entity shall submit, with its notification, the date upon which it commenced operating.

(c) Wireless Enhanced 9-1-1 Board. The Wireless Enhanced 9-1-1 Board is created. The Board consists of 7 members appointed by the Governor with the advice and consent of the Senate. It is recommended that the Governor appoint members from the following: the Illinois Chapter of the National Emergency Numbers Association, the Illinois State Police, law enforcement agencies, the wireless telecommunications industry, an emergency telephone system board in Cook County (outside the City of Chicago), an emergency telephone system board in the Metro-east area, and an emergency telephone system board in the collar counties (Lake, McHenry, DuPage, Kane, and Will counties). Members of the Board may not receive any compensation but may, however, be reimbursed for any necessary expenditure in connection with their duties.

Except as provided in Section 45, the Wireless Enhanced 9-1-1 Board shall set the amount of the monthly wireless surcharge required to be imposed under Section 17 on all wireless subscribers in this State. Prior to the Wireless Enhanced 9-1-1 Board setting any surcharge, the Board shall publish the proposed surcharge in the Illinois Register, hold hearings on the surcharge and the requirements for an efficient wireless emergency number system, and elicit public comment. The Board shall determine the minimum cost necessary for implementation of this system and the amount of revenue produced based upon the number of wireless telephones in use. The Board shall set the surcharge at the minimum amount necessary to achieve the goals of the Act and shall, by July 1, 2000, file this information with the Governor, the Clerk of the House, and the Secretary of the Senate. The surcharge may not be more than $0.75 per month per CMRS connection.

The Wireless Enhanced 9-1-1 Board shall report to the General Assembly by July 1, 2000 on implementing wireless non-emergency services for the purpose of public safety using the digits 3-1-1. The Board shall consider the delivery of 3-1-1 services in a 6 county area, including rural Cook County (outside of the City of Chicago), and DuPage, Lake, McHenry, Will, and Kane Counties, as well as counties outside of this area by an emergency telephone system board, a qualified governmental entity, or private industry. The Board, upon completion of all its duties required under this Act, is dissolved.

(Source: P.A. 91-660, eff. 12-22-99.)

(50 ILCS 751/17)

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

Sec. 17. Wireless carrier surcharge.

(a) Except as provided in Section 45, each wireless carrier shall impose a monthly wireless carrier surcharge per CMRS connection that either has a telephone number within an area code assigned to Illinois by the North American Numbering Plan Administrator or has a billing address in this State. In the case of

prepaid wireless telephone service, this surcharge shall be remitted based upon the address associated with the point of purchase, the customer billing address, or the location associated with the MTN for each active prepaid wireless telephone that has a sufficient positive balance as of the last day of each month, if that information is available. No wireless carrier shall impose the surcharge authorized by this Section upon any subscriber who is subject to the surcharge imposed by a unit of local government pursuant to Section 45. Before the effective date of this amendatory Act of the 95th General Assembly, the amount of the monthly surcharge imposed under this Section shall be the amount set by the Wireless Enhanced 9-1-1 Board. Beginning with the first monthly billing cycle after the effective date of this amendatory Act of the 95th General Assembly, the amount of the monthly surcharge imposed under this Section shall be $1.50 per CMRS connection. ~~The wireless carrier that provides wireless service to the subscriber shall collect the surcharge set by the Wireless Enhanced 9-1-1 Board from the subscriber.~~ For mobile telecommunications services provided on and after August 1, 2002, any surcharge imposed under this Act shall be imposed based upon the municipality or county that encompasses the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. The surcharge shall be stated as a separate item on the subscriber's monthly bill. ~~The wireless carrier shall begin collecting the surcharge on bills issued within 90 days after the Wireless Enhanced 9-1-1 Board sets the monthly wireless surcharge.~~ State and local taxes shall not apply to the wireless carrier surcharge.

(b) Except as provided in Section 45, a wireless carrier shall, within 45 days of collection, remit, either by check or by electronic funds transfer, to the State Treasurer the amount of the wireless carrier surcharge collected from each subscriber. Of the amounts remitted under this subsection, the State Treasurer shall deposit $0.25 per surcharge collected into the Wireless Carrier Reimbursement Fund. The remainder of the funds shall be deposited into the Wireless Service Emergency Fund and shall be disbursed in accordance with Section 25 of this Act. ~~Of the amounts remitted under this subsection, the State Treasurer shall deposit one third into the Wireless Carrier Reimbursement Fund and two thirds into the Wireless Service Emergency Fund.~~

(c) In addition, each carrier shall report the total number of surcharges collected during each remittance period, including the 9-digit zip code assigned to the subscriber's billing address. The carriers shall submit their reports to the Illinois Commerce Commission, and the Commission shall rely on the reports when making monthly grants from the Wireless Service Emergency Fund under Section 25 of this Act. ~~The first such remittance by wireless carriers shall include the number of customers by zip code, and the 9-digit zip code if currently being used or later implemented by the carrier, that shall be the means by which the Illinois Commerce Commission shall determine distributions from the Wireless Service Emergency Fund. This information shall be updated no less often than every year.~~ Wireless carriers are not required to remit surcharge moneys that are billed to subscribers but not yet collected.

(d) The Auditor General shall conduct an audit of the Wireless Service Emergency Fund and the Wireless Carrier Reimbursement Fund for compliance with the requirements of this Act. The audit shall include, but not be limited to, the following determinations:

(1) Whether the Commission is maintaining detailed records of all receipts and disbursements from the Wireless Carrier Emergency Fund and the Wireless Carrier Reimbursement Fund.

(2) Whether the Commission's administrative costs charged to the funds are adequately documented and are reasonable.

(3) Whether the Commission's procedures for making grants and providing reimbursements in accordance with the Act are adequate.

(4) The status of the implementation of wireless 9-1-1 and E9-1-1 services in Illinois.

The Commission, the Department of State Police, and any other entity or person that may have information relevant to the audit shall cooperate fully and promptly with the Office of the Auditor General in conducting the audit. The Auditor General shall commence the audit as soon as possible and distribute the report upon completion in accordance with Section 3-14 of the Illinois State Auditing Act.

(Source: P.A. 92-526, eff. 7-1-02; 93-507, eff. 1-1-04; 93-839, eff. 7-30-04.)

(50 ILCS 751/25)

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

Sec. 25. Wireless Service Emergency Fund; distribution of moneys. ~~Within 60 days after the effective date of this Act, wireless carriers shall submit to the Illinois Commerce Commission the number of wireless subscribers by zip code and the 9-digit zip code of the wireless subscribers, if currently being used or later implemented by the carrier.~~

The Illinois Commerce Commission shall, subject to appropriation, make monthly ~~proportional~~ grants to the appropriate emergency telephone system board or qualified governmental entity based upon the reports

prepared by the carriers under subsection (c) of Section 17 of this Act. ~~based upon the United States Postal Zip Code of the wireless subscriber's billing address.~~ Beginning on the effective date of this amendatory Act of the 95th General Assembly, the grant moneys shall be distributed as follows:

(1) each Basic 9-1-1 system in existence on the effective date of this amendatory Act of the 95th General Assembly and operating under a wireless plan approved by the Illinois Commerce Commission to answer 9-1-1 calls, including the Illinois State Police, shall receive 0.50 for each surcharge imposed and collected from a subscriber whose billing address is located within a zip code under the jurisdiction of that system;

(2) each Wireless Phase 1 system shall receive $0.50 for each surcharge imposed and collected on or after the effective date of this amendatory Act of the 95th General Assembly from a subscriber whose billing address is located within a zip code under the jurisdiction of that system;

(3) each Wireless Phase 2 system shall receive $1.25 for each surcharge imposed and collected on or after the effective date of this amendatory Act of the 95th General Assembly from a subscriber whose billing address is located within a zip code under the jurisdiction of that system; and

(4) each Wireless Phase 1 and Wireless Phase 2 system shall receive $0.50 for each surcharge imposed before the effective date of this amendatory Act of the 95th General Assembly and collected before, on, or after the effective date of this amendatory Act of the 95th General Assembly from a subscriber whose billing address is located within a zip code under the jurisdiction of that system.

No matching funds shall be required from grant recipients.

The Illinois Commerce Commission shall use any funds remaining in the Wireless Service Emergency Fund after the monthly grants have been disbursed to make additional grants to any qualified governmental entity or emergency telephone system board that has filed a required plan with the Illinois Commerce Commission and has not, by referendum, adopted a surcharge prior to the effective date of this Act. Grant moneys shall be used for the purpose of developing a sophisticated system, as defined in Section 2.08 of the Emergency Telephone System Act, or for the purpose of upgrading from a Phase 1 to a Phase 2 system.

If the Illinois Commerce Commission is notified of an area of overlapping jurisdiction, grants for that area shall be made based upon reference to an official Master Street Address Guide to the emergency telephone system board or qualified governmental entity whose public service answering points provide wireless 9-1-1 service in that area. The emergency telephone system board or qualified governmental entity shall provide the Illinois Commerce Commission with a valid copy of the appropriate Master Street Address Guide. The Illinois Commerce Commission does not have a duty to verify jurisdictional responsibility.

In the event of a subscriber billing address being matched to an incorrect jurisdiction by the Illinois Commerce Commission, the recipient, upon notification from the Illinois Commerce Commission, shall redirect the funds to the correct jurisdiction. The Illinois Commerce Commission shall not be held liable for any damages relating to an act or omission under this Act, unless the act or omission constitutes gross negligence, recklessness, or intentional misconduct.

In the event of a dispute between emergency telephone system boards or qualified governmental entities concerning a subscriber billing address, the Illinois Commerce Commission shall resolve the dispute.

The Illinois Commerce Commission shall maintain detailed records of all receipts and disbursements and shall provide an annual accounting of all receipts and disbursements to the Auditor General.

The Illinois Commerce Commission shall adopt rules to govern the grant process.

(Source: P.A. 93-839, eff. 7-30-04.)

(50 ILCS 751/70)

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

Sec. 70. Repealer. This Act is repealed on April 1, 2013 ~~2008~~.

(Source: P.A. 93-507, eff. 1-1-04.)".

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

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 1346.

HOUSE BILL 1560. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Health Care Availability and Access, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1560 by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 6.11 as follows:

(5 ILCS 375/6.11)

Sec. 6.11. Required health benefits; Illinois Insurance Code requirements. The program of health benefits shall provide the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t of the Illinois Insurance Code. The program of health benefits shall provide the coverage required under Sections 356u, 356w, 356x, 356z.2, 356z.4, ~~and~~ 356z.6 , and 356z.9 of the Illinois Insurance Code. The program of health benefits must comply with Section 155.37 of the Illinois Insurance Code.

(Source: P.A. 92-440, eff. 8-17-01; 92-764, eff. 1-1-03; 93-102, eff. 1-1-04; 93-853, eff. 1-1-05.)

Section 10. The Counties Code is amended by changing Section 5-1069.3 as follows:

(55 ILCS 5/5-1069.3)

Sec. 5-1069.3. Required health benefits. If a county, including a home rule county, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356u, 356w, 356x, ~~and~~ 356z.6 , and 356z.9 of the Illinois Insurance Code. The requirement that health benefits be covered as provided in this Section is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule county to which this Section applies must comply with every provision of this Section.

(Source: P.A. 93-853, eff. 1-1-05.)

Section 15. The Illinois Municipal Code is amended by changing Section 10-4-2.3 as follows:

(65 ILCS 5/10-4-2.3)

Sec. 10-4-2.3. Required health benefits. If a municipality, including a home rule municipality, is a self-insurer for purposes of providing health insurance coverage for its employees, the coverage shall include coverage for the post-mastectomy care benefits required to be covered by a policy of accident and health insurance under Section 356t and the coverage required under Sections 356u, 356w, 356x, ~~and~~ 356z.6 , and 356z.9 of the Illinois Insurance Code. The requirement that health benefits be covered as provided in this is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution. A home rule municipality to which this Section applies must comply with every provision of this Section.

(Source: P.A. 93-853, eff. 1-1-05.)

Section 20. The Illinois Insurance Code is amended by adding Section 365z.9 as follows:

(215 ILCS 5/365z.9 new)

Sec. 365z.9. Amino acid-based elemental formulas.

(a) A group or individual policy of accident and health insurance or managed care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 95th General Assembly must provide coverage for nonprescription amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of (i) milk protein allergies and intolerances, (ii) eosinophilic disorders, and (iii) impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, and motility of the gastrointestinal tract, when the prescribing physician has issued a written order stating that the amino acid-based elemental formula is medically necessary for the treatment of a disease or disorder and is the least restrictive and most cost-effective means for meeting the needs of the patient.

(b) A group or individual policy of accident and health insurance or managed care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 95th General Assembly must provide coverage for specialized amino acid-based elemental formulas, regardless of delivery method, when the prescribing physician has issued a written order stating that such specialized amino acid-based elemental formula is medically necessary for the treatment of a disease or disorder and is the least restrictive and most cost-effective means for meeting the needs of the patient.

Section 25. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

Sec. 5-3. Insurance Code provisions.

(a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x, 356y, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 364.01, 367.2, 367.2-5, 367i, 368a, 368b, 368c, 368d, 368e, 370c, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;

(2) a corporation organized under the laws of this State; or

(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section.

(Source: P.A. 93-102, eff. 1-1-04; 93-261, eff. 1-1-04; 93-477, eff. 8-8-03; 93-529, eff. 8-14-03; 93-853, eff. 1-1-05; 93-1000, eff. 1-1-05; 94-906, eff. 1-1-07; 94-1076, eff. 12-29-06; revised 1-5-07.)

Section 30. The Limited Health Service Organization Act is amended by changing Section 4003 as follows:

(215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

Sec. 4003. Illinois Insurance Code provisions. Limited health service organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.37, 355.2, 356v, 356z.9, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1 and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code. For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, limited health service organizations in the following categories are deemed to be domestic companies:

(1) a corporation under the laws of this State; or

(2) a corporation organized under the laws of another state, 30% of more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a domestic company under Article VIII 1/2 of the Illinois Insurance Code.

(Source: P.A. 91-549, eff. 8-14-99; 91-605, eff. 12-14-99; 91-788, eff. 6-9-00; 92-440, eff. 8-17-01.)

Section 35. The Voluntary Health Services Plans Act is amended by changing Section 10 as follows:

(215 ILCS 165/10) (from Ch. 32, par. 604)

Sec. 10. Application of Insurance Code provisions. Health services plan corporations and all persons interested therein or dealing therewith shall be subject to the provisions of Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c, 149, 155.37, 354, 355.2, 356r, 356t, 356u, 356v, 356w, 356x, 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 356z.8, 356z.9, 364.01, 367.2, 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of Section 367 of the Illinois Insurance Code.

(Source: P.A. 93-102, eff. 1-1-04; 93-529, eff. 8-14-03; 93-853, eff. 1-1-05; 93-1000, eff. 1-1-05; 94-1076, eff. 12-29-06.)

Section 40. The Illinois Public Aid Code is amended by changing Section 5-5 as follows:

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

Sec. 5-5. Medical services. The Illinois Department, by rule, shall determine the quantity and quality of and the rate of reimbursement for the medical assistance for which payment will be authorized, and the medical services to be provided, which may include all or part of the following: (1) inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and X-ray services; (4) skilled nursing home services; (5) physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing home, or elsewhere; (6) medical care, or any other type of remedial care furnished by licensed practitioners; (7) home health care services; (8) private duty nursing service; (9) clinic services; (10) dental services, including prevention and treatment of periodontal disease and dental caries disease for pregnant women; (11) physical therapy and related services; (12) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select; (13) other diagnostic, screening, preventive, and rehabilitative services; (14)

transportation and such other expenses as may be necessary; (15) medical treatment of sexual assault survivors, as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act, for injuries sustained as a result of the sexual assault, including examinations and laboratory tests to discover evidence which may be used in criminal proceedings arising from the sexual assault; (16) the diagnosis and treatment of sickle cell anemia; and (17) any other medical care, and any other type of remedial care recognized under the laws of this State, but not including abortions, or induced miscarriages or premature births, unless, in the opinion of a physician, such procedures are necessary for the preservation of the life of the woman seeking such treatment, or except an induced premature birth intended to produce a live viable child and such procedure is necessary for the health of the mother or her unborn child. The Illinois Department, by rule, shall prohibit any physician from providing medical assistance to anyone eligible therefor under this Code where such physician has been found guilty of performing an abortion procedure in a wilful and wanton manner upon a woman who was not pregnant at the time such abortion procedure was performed. The term "any other type of remedial care" shall include nursing care and nursing home service for persons who rely on treatment by spiritual means alone through prayer for healing.

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

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

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

(1) dental services, which shall include but not be limited to prosthodontics; and

(2) eyeglasses prescribed by a physician skilled in the diseases of the eye, or by an optometrist, whichever the person may select.

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

The Department of Healthcare and Family Services must provide coverage for nonprescription amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of (i) milk protein allergies and intolerances, (ii) eosinophilic disorders, and (iii) impaired absorption of nutrients caused by disorders affecting the absorptive surface, functional length, and motility of the gastrointestinal tract, when the prescribing physician has issued a written order stating that the amino acid-based elemental formula is medically necessary for the treatment of a disease or disorder and is the least restrictive and most cost-effective means for meeting the needs of the patient.

The Department of Healthcare and Family Services must provide coverage for specialized amino acid-based elemental formulas, regardless of delivery method, when the prescribing physician has issued a written order stating that such specialized amino acid-based elemental formula is medically necessary for the treatment of a disease or disorder and is the least restrictive and most cost-effective means for meeting the needs of the patient.

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

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

of treatment of the drug abuse or addiction for pregnant recipients in accordance with the Illinois Medicaid Program in conjunction with the Department of Human Services.

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

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

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

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

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

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

(1) Physicians participating in a Partnership and providing certain services, which shall be determined by the Illinois Department, to persons in areas covered by the Partnership may receive an additional surcharge for such services.

(2) The Department may elect to consider and negotiate financial incentives to encourage the development of Partnerships and the efficient delivery of medical care.

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

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

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

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

The Illinois Department shall require health care providers to maintain records that document the medical care and services provided to recipients of Medical Assistance under this Article. The Illinois Department shall require health care providers to make available, when authorized by the patient, in writing, the medical records in a timely fashion to other health care providers who are treating or serving persons eligible for Medical Assistance under this Article. All dispensers of medical services shall be required to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, details and receipt of the health care provided to persons eligible for medical assistance under this Code, in accordance with regulations promulgated by the Illinois Department. The

rules and regulations shall require that proof of the receipt of prescription drugs, dentures, prosthetic devices and eyeglasses by eligible persons under this Section accompany each claim for reimbursement submitted by the dispenser of such medical services. No such claims for reimbursement shall be approved for payment by the Illinois Department without such proof of receipt, unless the Illinois Department shall have put into effect and shall be operating a system of post-payment audit and review which shall, on a sampling basis, be deemed adequate by the Illinois Department to assure that such drugs, dentures, prosthetic devices and eyeglasses for which payment is being made are actually being received by eligible recipients. Within 90 days after the effective date of this amendatory Act of 1984, the Illinois Department shall establish a current list of acquisition costs for all prosthetic devices and any other items recognized as medical equipment and supplies reimbursable under this Article and shall update such list on a quarterly basis, except that the acquisition costs of all prescription drugs shall be updated no less frequently than every 30 days as required by Section 5-5.12.

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

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

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

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

The Illinois Department shall establish policies, procedures, standards and criteria by rule for the acquisition, repair and replacement of orthotic and prosthetic devices and durable medical equipment. Such rules shall provide, but not be limited to, the following services: (1) immediate repair or replacement of such devices by recipients without medical authorization; and (2) rental, lease, purchase or lease-purchase of durable medical equipment in a cost-effective manner, taking into consideration the recipient's medical prognosis, the extent of the recipient's needs, and the requirements and costs for maintaining such equipment. Such rules shall enable a recipient to temporarily acquire and use alternative or substitute devices or equipment pending repairs or replacements of any device or equipment previously authorized for such recipient by the Department.

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

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

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

(a) actual statistics and trends in utilization of medical services by public aid recipients;

(b) actual statistics and trends in the provision of the various medical services by medical vendors;

(c) current rate structures and proposed changes in those rate structures for the various medical vendors; and

(d) efforts at utilization review and control by the Illinois Department.

The period covered by each report shall be the 3 years ending on the June 30 prior to the report. The report shall include suggested legislation for consideration by the General Assembly. The filing of one copy of the report with the Speaker, one copy with the Minority Leader and one copy with the Clerk of the House of Representatives, one copy with the President, one copy with the Minority Leader and one copy with the Secretary of the Senate, one copy with the Legislative Research Unit, and such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act shall be deemed sufficient to comply with this Section. (Source: P.A. 92-16, eff. 6-28-01; 92-651, eff. 7-11-02; 92-789, eff. 8-6-02; 93-632, eff. 2-1-04; 93-841, eff. 7-30-04; 93-981, eff. 8-23-04; revised 12-15-05.)

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

Representative Ryg offered the following amendment and moved its adoption:

AMENDMENT NO. 2. Amend House Bill 1560, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 3, by replacing lines 19 through 24 with the following:

"(a) A group or individual policy of accident and health insurance or managed care plan amended, delivered, issued, or renewed after the effective date of this amendatory Act of the 95th General Assembly must provide coverage and reimbursement when documentation is presented demonstrating a medical necessity and treatment plan for amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of (i) an individual with multiple food allergies or intolerances making amino acid-based elemental formulas a medically necessary treatment, (ii) eosinophilic disorders, and (iii) short bowel syndrome, when the prescribing physician or dietician has issued a written order stating that the amino acid-based elemental formula is medically necessary for the treatment of a disease or disorder."; and

on page 4, by deleting lines 1 through 19; and

on page 14, by replacing lines 6 through 25 with the following:

"The Department of Healthcare and Family Services must provide coverage and reimbursement when documentation is presented demonstrating a medical necessity and treatment plan for amino acid-based elemental formulas, regardless of delivery method, for the diagnosis and treatment of (i) an individual with multiple food allergies or intolerances making amino acid-based elemental formulas a medically necessary treatment, (ii) eosinophilic disorders, and (iii) short bowel syndrome, when the prescribing physician or dietician has issued a written order stating that the amino acid-based elemental formula is medically necessary for the treatment of a disease or disorder.".

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 to the order of Third Reading

HOUSE BILL 2002. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 2002 by replacing everything after the enacting clause with the following:

"Section 5. The Child Care Act of 1969 is amended by adding Section 3.5 as follows:

(225 ILCS 10/3.5 new)

Sec. 3.5. Group homes for adolescents diagnosed with autism.

(a) Subject to appropriation, the Department of Human Services, Developmental Disabilities Division, shall provide for the establishment of 3 children's group homes for adolescents who have been diagnosed with autism and who are at least 15 years of age and not more than 18 years of age. The homes shall be located in 3 separate geographical areas of the State. The homes shall operate 7 days per week and shall be staffed 24 hours per day. The homes shall feature maximum family involvement based on a service and support agreement signed by the adolescent's family and the provider. An eligible service provider: (i) must have a minimum of 5 years experience serving individuals with autism residentially and have successfully supported individuals with challenging behaviors; (ii) must demonstrate that staff have equal experience in this regard; and (iii) must have a full-time Board-Certified Behavior Analyst on staff.

(b) The provider shall ensure that the staff at each home receives appropriate training in matters that include, but need not be limited to, the following: behavior analysis, skill training, and other methodologies of teaching such as discreet trial and picture exchange communication system.

(c) The homes shall provide therapeutic and other support services to the adolescents being served there. The therapeutic curriculum shall be based on the principles of applied behavior analysis.

(d) An agreeable rate shall be established by the Department of Children and Family Services and the Department of Human Services, Developmental Disabilities Division.

Section 99. Effective date. This Act takes effect July 1, 2007.".

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 1421. Having been read by title a second time on April 24, 2007, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

HOUSE BILL 315. Having been reproduced, was taken up and read by title a second time.

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

AMENDMENT NO. 1. Amend House Bill 315 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Lottery Law is amended by changing Sections 2 and 20 and by adding Section 21.7 as follows:

(20 ILCS 1605/2) (from Ch. 120, par. 1152)

Sec. 2. This Act is enacted to implement and establish within the State a lottery to be operated by the State, the entire net proceeds of which are to be used for the support of the State's Common School Fund, except as provided in Sections 21.2, ~~and~~ 21.5 , ~~and~~ 21.6 , and 21.7.

(Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05; revised 8-23-05.)

(20 ILCS 1605/20) (from Ch. 120, par. 1170)

Sec. 20. State Lottery Fund.

(a) There is created in the State Treasury a special fund to be known as the "State Lottery Fund". Such fund shall consist of all revenues received from (1) the sale of lottery tickets or shares, (net of commissions, fees representing those expenses that are directly proportionate to the sale of tickets or shares at the agent location, and prizes of less than $600 which have been validly paid at the agent level), (2) application fees, and (3) all other sources including moneys credited or transferred thereto from any other fund or source pursuant to law. Interest earnings of the State Lottery Fund shall be credited to the Common School Fund.

(b) The receipt and distribution of moneys under Section 21.5 of this Act shall be in accordance with Section 21.5.

(c) ~~(b)~~ The receipt and distribution of moneys under Section 21.6 of this Act shall be in accordance with Section 21.6.

(d) The receipt and distribution of moneys under Section 21.7 of this Act shall be in accordance with Section 21.7.

(Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05; revised 8-19-05.)

(20 ILCS 1605/21.7 new)

Sec. 21.7. Quality of Life scratch-off game.

(a) The Department shall offer a special instant scratch-off game with the title of "Quality of Life". The game shall commence on July 1, 2007 or as soon thereafter, in the discretion of the Director, as is reasonably practical, and shall be discontinued on December 31, 2012. The operation of the game is governed by this Act and by any rules adopted by the Department. The Department must consult with the Quality of Life Board, which is established under Section 2310-348 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois, regarding the design and promotion of the game. If any provision of this Section is inconsistent with any other provision of this Act, then this Section governs.

(b) The Quality of Life Endowment Fund is created as a special fund in the State treasury. The net revenue from the Quality of Life special instant scratch-off game must be deposited into the Fund for appropriation by the General Assembly solely to the Department of Public Health for the purpose of

HIV/AIDS-prevention education and for making grants to public or private entities in Illinois for the purpose of funding organizations that serve the highest at-risk categories for contracting HIV or developing AIDS. Grants shall be targeted to serve at-risk populations in proportion to the distribution of recent reported Illinois HIV/AIDS cases among risk groups as reported by the Illinois Department of Public Health. The recipient organizations must be engaged in HIV/AIDS-prevention education and HIV/AIDS healthcare treatment. The Department must, before grants are awarded, provide copies of all grant applications to the Quality of Life Board, receive and review the Board's recommendations and comments, and consult with the Board regarding the grants. Organizational size will determine an organization's competitive slot in the "Request for Proposal" process. Organizations with an annual budget of $300,000 or less will compete with like size organizations for 50% of the Quality of Life annual fund. Organizations with an annual budget of $300,001 to $700,000 will compete with like organizations for 25% of the Quality of Life annual fund, and organizations with an annual budget of $700,001 and upward will compete with like organizations for 25% of the Quality of Life annual fund. The lottery may designate a percentage of proceeds for marketing purpose. The grant funds may not be used for institutional, organizational, or community-based overhead costs, indirect costs, or levies.

Moneys received for the purposes of this Section, including, without limitation, net revenue from the special instant scratch-off game and gifts, grants, and awards from any public or private entity, must be deposited into the Fund. Any interest earned on moneys in the Fund must be deposited into the Fund.

For purposes of this subsection, "net revenue" means the total amount for which tickets have been sold less the sum of the amount paid out in prizes and the actual administrative expenses of the Department solely related to the Quality of Life game.

(c) During the time that tickets are sold for the Quality of Life game, the Department shall not unreasonably diminish the efforts devoted to marketing any other instant scratch-off lottery game.

(d) The Department may adopt any rules necessary to implement and administer the provisions of this Section in consultation with the Quality of Life Board.

Section 10. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-348 as follows:

(20 ILCS 2310/2310-348 new)

Sec. 2310-348. The Quality of Life Board.

(a) The Quality of Life Board is created as an advisory board within the Department. The Board shall consist of 11 members as follows: 2 members appointed by the President of the Senate; one member appointed by the Minority Leader of the Senate; 2 members appointed by the Speaker of the House of Representatives; one members appointed by the Minority Leader of the House of Representatives; 2 members appointed by the Governor, one of whom shall be designated as chair of the Board at the time of appointment; and 3 members appointed by the Director who represent organizations that advocate for the healthcare needs of the first and second highest HIV/AIDS risk groups, one each from the northern Illinois region, the central Illinois region, and the southern Illinois region.

The Board members shall serve one 2-year term. If a vacancy occurs in the Board membership, the vacancy shall be filled in the same manner as the initial appointment.

(b) Board members shall serve without compensation but may be reimbursed for their reasonable travel expenses from funds appropriated for that purpose. The Department shall provide staff and administrative support services to the Board.

(c) The Board must:

(i) consult with the Department of Revenue in designing and promoting the Quality of Life special instant scratch-off lottery game; and

(ii) review grant applications, make recommendations and comments, and consult with the Department of Public Health in making grants, from amounts appropriated from the Quality of Life Endowment Fund, to public or private entities in Illinois for the purpose of HIV/AIDS-prevention education and for making grants to public or private entities in Illinois for the purpose of funding organizations that serve the highest at-risk categories for contracting HIV or developing AIDS in accordance with Section 21.7 of the Illinois Lottery Law.

(d) The Board is discontinued on June 30, 2013.

Section 15. The State Finance Act is amended by changing Section 8h and by adding Section 5.675 as follows:

(30 ILCS 105/5.675 new)

Sec. 5.675. The Quality of Life Endowment Fund.

(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 ~~(c), (d), or (e),~~ 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, 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, the Supplemental Low-Income Energy Assistance Fund, the Good Samaritan Energy Trust Fund, the Low-Level Radioactive Waste Facility Development and Operation Fund, the Horse Racing Equity Trust 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 May 19, 2006 (the effective date of Public Act 94-774) ~~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) any fund established under the Community Senior Services and Resources Act; or (iii) on or after January 1, 2006 (the effective date of Public Act 94-511), 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) 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.

(e) Subsection (a) does not apply to, and no transfer may be made under this Section from, the Pension Stabilization Fund.

(f) This Section does not apply to the Quality of Life Endowment Fund.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05; 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; 94-773, eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839, eff. 6-6-06; revised 6-19-06.)

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

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

HOUSE BILL 1890. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Elementary & Secondary Education, adopted and reproduced:

AMENDMENT NO. 1. Amend House Bill 1890 by deleting Section 5.

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 SECOND READING

HOUSE BILL 147. Having been read by title a second time on April 19, 2007, and held on the order of Second Reading, the same was again taken up and advanced to the order of Third Reading.

Having been reproduced, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: HOUSE BILL 1641.

## 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 Hoffman, HOUSE BILL 1915 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 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 Hoffman, HOUSE BILL 2133 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 Beiser, HOUSE BILL 894 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 22)

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

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

On motion of Representative Jakobsson, HOUSE BILL 682 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 23)

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

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

On motion of Representative Jefferson, HOUSE BILL 1719 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:

72, Yeas; 42, Nays; 1, Answering Present.

(ROLL CALL 24)

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

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

On motion of Representative Collins, HOUSE BILL 1517 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:

64, Yeas; 50, Nays; 0, Answering Present.

(ROLL CALL 26)

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

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

On motion of Representative Lindner, HOUSE BILL 3678 was taken up and read by title a third time.

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

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

(ROLL CALL 27)

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

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

On motion of Representative Turner, HOUSE BILL 951 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 28)

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

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

On motion of Representative Bill Mitchell, HOUSE BILL 954 was taken up and read by title a third time.

The Chair moves this bill to standard debate.

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

109, Yeas; 5, Nays; 1, Answering Present.

(ROLL CALL 29)

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

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

On motion of Representative Mautino, HOUSE BILL 1628 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 30)

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

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

On motion of Representative Moffitt, HOUSE BILL 1637 was taken up and read by title a third time.

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

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

(ROLL CALL 31)

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

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

## RECALL

At the request of the principal sponsor, Representative Munson, HOUSE BILL 3416 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

## HOUSE BILLS ON THIRD READING

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

On motion of Representative Osterman, HOUSE BILL 1805 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 32)

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

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

On motion of Representative Mendoza, HOUSE BILL 2242 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:

90, Yeas; 20, Nays; 5, Answering Present.

(ROLL CALL 33)

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

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

## HOUSE BILL ON SECOND READING

HOUSE BILL 1347. Having been recalled on March 13, 2007, and held on the order of Second Reading, the same was again taken up.

Representative Hannig offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend House Bill 1347 as follows:

on page 1, by replacing line 7 with the following:

"Sec. 10-22.34c. Third party non-instructional services.

(a) A"; and

on page 1, line 15, after "into", by inserting "and become effective"; and
on page 1, line 16, after "agreement", by inserting ", as that term is set forth in the agreement,"; and
on page 1, lines 18 and 19, by replacing "at the beginning of a fiscal year" with "upon the expiration of an existing collective bargaining agreement"; and
on page 2, line 16, by deleting "and"; and
on page 2, line 17, before "information", by inserting "composite"; and
on page 2, lines 18 and 19, by deleting "claims of sexual misconduct,"; and
on page 2, line 24, by replacing "services;" with "services, provided that the individual names and other identifying information of employees need not be provided with the submission of the bid, but must be made available upon request of the school board; and"; and
on page 2, immediately below line 24, by inserting the following:

"(F) an affidavit, notarized by the president or chief executive officer of the third party, that each of its employees has completed a criminal background check as required by Section 10-21.9 of this Code within 3 months prior to submission of the bid, provided that the results of such background checks need not be provided with the submission of the bid, but must be made available upon request of the school board."; and
on page 3, line 11, after "meeting", by inserting ", unless the exclusive bargaining representative of the employees who perform the non-instructional services, if any such exclusive bargaining representative exists, agrees in writing that such review and consideration can take place in open session at a specially scheduled school board meeting"; and
on page 3, line 12, by replacing "2" with "one"; and
on page 3, line 12, by replacing "hearings" with "hearing"; and
on page 3, line 13, by replacing "2" with "a"; and
on page 3, line 14, by replacing "meetings" with "meeting"; and
on page 3, line 18, by deleting "6 months"; and
on page 3, line 19, after "hearing", by inserting "on or before the initial date that bids to provide the non-instructional services are solicited or a minimum of 30 days prior to entering into such a contract, whichever provides a greater period of notice"; and
on page 4, immediately below line 2, by inserting the following:

"(b) Notwithstanding subsection (a) of this Section, a board of education may enter into a contract, of no longer than 3 months in duration, with a third party for non-instructional services currently performed by an employee or bargaining unit member for the purpose of augmenting the current workforce in an emergency situation that threatens the safety or health of the school district's students or staff, provided that the school board meets all of its obligations under the Illinois Educational Labor Relations Act.

(c) The changes to this Section made by this amendatory Act of the 95th General Assembly are not applicable to non-instructional services of a school district that on the effective date of this amendatory Act of the 95th General Assembly are performed for the school district by a third party.".

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.

## RECALLS

At the request of the principal sponsor, Representative Saviano, HOUSE BILL 126 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

At the request of the principal sponsor, Representative Jefferson, HOUSE BILL 3428 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

## AGREED RESOLUTIONS

HOUSE RESOLUTIONS 331, 332, 333, 336, 337, 338, 339, 340 and 341 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 7:25 o'clock p.m., Representative Currie moved that the House do now adjourn until Thursday, April 26, 2007, at 11:00 o'clock a.m.

The motion prevailed.

And the House stood adjourned.

NO. 1

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

April 25, 2007

0 YEAS 0 NAYS 116 PRESENT

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

E - Denotes Excused Absence

NO. 2

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1492
CRIM CD-HIV TEST-48 HOURS
THIRD READING
PASSED

April 25, 2007

115 YEAS 0 NAYS 1 PRESENT

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

E - Denotes Excused Absence

NO. 3

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 984
DCFS-CHILD ABUSE
THIRD READING
PASSED

April 25, 2007

116 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 4

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 957
FUNERAL DIRECTORS-TEMP LICENSE
THIRD READING
PASSED

April 25, 2007

116 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 5

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1475
VEH CD-PASSING SCHOOL BUS
THIRD READING
PASSED

April 25, 2007

116 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 6

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 982
MEDICAID-KIDS W/ DISABILITIES
THIRD READING
PASSED

April 25, 2007

116 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 7

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 613
PRIVATE SEWAGE-OFF LOT SYSTEMS
THIRD READING
PASSED

April 25, 2007

76 YEAS 40 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 8

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1657
MOTOR VEHICLE SALES-DOC FEES
THIRD READING
PASSED

April 25, 2007

69 YEAS 47 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 9

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1784
SCH CD-FIN DIF-ST AID PAYMENTS
THIRD READING
PASSED

April 25, 2007

116 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 10

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3604
HOSPITALS-PATIENT RELIGION
THIRD READING
PASSED

April 25, 2007

116 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 11

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1361
REAL ESTATE LIC-ESCROW MONEYS
THIRD READING
PASSED

April 25, 2007

116 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 12

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1551
RENEWABLE FUELS GRANTS
THIRD READING
PASSED

April 25, 2007

116 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 13

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1
ST CONTRACTOR INTERESTS
THIRD READING
PASSED

April 25, 2007

116 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 14

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 736
UTILITIES-ICC-MEETINGS
THIRD READING
PASSED

April 25, 2007

116 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 15

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3588
CRIM PRO-EVIDENCE DOM VIOLENCE
THIRD READING
PASSED

April 25, 2007

110 YEAS 6 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 16

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 415
INS CODE-COVERAGE OF DEPENDENT
THIRD READING
PASSED

April 25, 2007

116 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 17

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 161
VEH CD-IRAQ&AFGHANISTAN PLATES
THIRD READING
PASSED

April 25, 2007

113 YEAS 3 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 18

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 742
WHISTLEBLOWER-DISCLOSE INFO
THIRD READING
PASSED

April 25, 2007

116 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 19

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3490
PUB BLDG COM-DESIGN BUILD
THIRD READING
PASSED

April 25, 2007

116 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 20

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1930
PEN CD-IMRF-ELECTED OFFICIALS
THIRD READING
PASSED

April 25, 2007

116 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 21

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1915
VEH CD-TITLE-SHOW BENEFICIARY
THIRD READING
PASSED

April 25, 2007

115 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 22

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 2133
TRANSPORTATION-TECH
THIRD READING
PASSED

April 25, 2007

113 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 23

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 894
UTILITIES-RECIPROCITY
THIRD READING
PASSED

April 25, 2007

115 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 24

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 682
PROC CD-UNIVERSITY PRINTING
THIRD READING
PASSED

April 25, 2007

115 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 25

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1719
CNTY CD-SHERIFF DISCIPLINE
THIRD READING
PASSED

April 25, 2007

72 YEAS 42 NAYS 1 PRESENT

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

E - Denotes Excused Absence

NO. 26

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1517
JUV CT-DELINQUENCY AGE
THIRD READING
PASSED

April 25, 2007

64 YEAS 50 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 27

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3678
DCFS-CHILD ABUSE-STATES ATTY
THIRD READING
PASSED

April 25, 2007

115 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 28

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 951
DPH-LOCAL HLTH AUTHORITIES
THIRD READING
PASSED

April 25, 2007

115 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 29

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 954
VETERANS HOME-ALZHEIMER'S
THIRD READING
PASSED

April 25, 2007

109 YEAS 5 NAYS 1 PRESENT

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

E - Denotes Excused Absence

NO. 30

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1628
INSURANCE-ALL KIDS HEALTH
THIRD READING
PASSED

April 25, 2007

115 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 31

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1637
PROP TAX-SUBDIVISION ASSESS
THIRD READING
PASSED

April 25, 2007

114 YEAS 0 NAYS 1 PRESENT

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

E - Denotes Excused Absence

NO. 32

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1805
LEAD POISONING-CLEAN WIN PGM
THIRD READING
PASSED

April 25, 2007

115 YEAS 0 NAYS 0 PRESENT

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

E - Denotes Excused Absence

NO. 33

STATE OF ILLINOIS
NINETY-FIFTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 2242
HEALTH-TECH
THIRD READING
PASSED

April 25, 2007

90 YEAS 20 NAYS 5 PRESENT

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

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